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March 12 2010



Via Hand Delivery

Michael Elabarger
Planner - Land Use Review
Loudoun County Department of Planning
One Harrison Street, Third Floor
Leesburg, VA 20176

Re: Belmont Glen Village ZCPA 2009-0007 & ZMOD 2009-0004
Referral Responses to 3rd Referrals

Dear Mr. Elabarger:

This letter addresses and provides you with a written response to the referral agency comments in the above referenced application. For your convenience, each of the staff comments are stated below and the Applicant's responses follow in bold italics.

LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT – ZONING ADMINISTRATION (VAL THOMAS, 2/23/2010)

1. **Modification of required buffer adjacent to residential development, R-8 (Single-Family Residential) Zoning District, § 3-509(C), Additional Development Standards – Minimum Buffer.** A permanent common open space buffer of fifty (50) feet in depth with a Category 2 Buffer Yard (Section 5-1414(B)) shall be provided where a development adjoins an existing or planned residential district, land bay or development which has a minimum allowable lot size of 6,000 square feet or greater. Such buffer area may be included in open space calculations.

Section 4-109(C) Site Planning, External Relationships – Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses. Where residential uses in a PD-H district adjoin a single-family residential, agricultural, or residential district or land bay allowing residential uses, or a commercially zoned development approved subject to proffers prior to adoption of this ordinance, the development shall provide for either:

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ARLINGTON OFFICE

680 4664

ATTACHMENT 3

A-091

- (1) Single family dwellings on minimum lots of (20,000) square feet or greater, exclusive of major floodplain, along such perimeter; or,
- (2) A permanent open space buffer along such perimeter at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard.

Proposed Modification – Along the boundary that adjoins the Goose Creek Preserve property to the northeast, the applicant proposes to provide:

- A minimum 25-foot permanent open space buffer along lot 37, a lot containing a minimum of 10,000 square feet;
- A minimum 30-foot permanent open space buffer along lots 48-50, lots containing a minimum of 9,000 square feet;
- A 25-foot rear yard along lots 38 and 39, lots containing a minimum of 7,500 square feet; lot 38 also has some permanent open space buffer less than 50 feet in dimension;
- A 25-foot yard plus 50-foot street right-of-way along lots 17, 18, and 19; lot 19 also has permanent open space buffer less than 50 feet in dimension between the street right-of-way and the zoning district boundary.

Applicant's Justification – The Applicant notes that the adjacent Goose Creek Preserve property is zoned PD-H4, at a higher density than Belmont Glen and has no required minimum lot size. Both properties propose single family detached units along the common property boundary and Goose Creek Preserve is providing an open space buffer along the common boundary with Belmont Glen Village. This open space buffer is wooded with mature stand of trees.

Staff Response – The public purpose of the 50-foot buffer requirement is to provide a visual separation between two zoning districts or residential land bays with potentially dissimilar lot sizes and to provide protection of the development from potentially adverse influences. While Staff does not believe that the development provides for an innovative design, the open space buffer provided on the adjacent development, the minimum required rear yard setback and reduced open space buffer on these few lots serves the required visual separation of the Ordinance. Further, the development is proposed to locate in close proximity to the Goose Creek Preserve property thus maximizing the open space buffer along Goose Creek (67% of the site will be maintained as open space). Staff can support this modification request.

Staff however asks that the Applicant includes Lot 47 in this modification request as it appears that part of the lot do not meet the minimum required permanent open space buffer of at least fifty (50) feet in width, landscaped with a Type 2 Buffer Yard. Further, please depict and label the proposed reduced 25-foot and 30-foot permanent open space buffer on the CDP (Sheet 3).

Applicant Response: Lot 47 has been added to this modification, as recommended by staff, and the reduced open space buffer is shown on Sheet 3 of the CDP,

A-092

2. **Modification of ADU Requirements to permit cash in lieu of units, § 7-103(A)(1) Single Family Detached and Single Family Attached Units.**

Proposed Modification - Request modification to permit cash buyout in lieu of the required Affordable Dwelling Units (ADUs), pursuant to Section 7-108(A)(3)

Staff comment- Staff supports this modification. Please see earlier referral for comments.

Applicant Response: *Comment noted.*

3. **Modification of Single-Family Detached Lot Yard Requirements – Section 3-506(C)(1) Lot Requirements –Single-Family Detached Dwellings Front and Side Yards**

Proposed Modification - For lots 1-13 and 193-196 only, the applicant proposes a 15 foot minimum front yard and a 9 foot minimum side yard. For the remainder of the lots, the applicant proposes a 6 foot minimum side yard with a 12 foot minimum distance between dwellings.

Applicant's Justification – None

Staff Comment – Pursuant to Section 6-1504 of the Ordinance, no modification shall be approved unless such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation. No modification will be granted for the primary purpose of achieving the maximum density on a site. An application for modification shall include materials demonstrating how the modification will be used in the design of the project.

Please provide a justification for the proposed modification and demonstrate how such modification achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation.

Applicant Response: *A justification for this modification request has been included with this response letter.*

LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT – ZONING ADMINISTRATION-PROFFER REVIEW (LARR KELLY, 2/24/2010)

1. In regard to proffers 13. and 18., which proffer the provision of an “open space/conservation easement” and a “scenic easement”, respectively, I am uncertain as to the intended difference between the two easements. The scenic easement, which I presume is to be dedicated to the Board of Supervisors, would be ineffective as an easement on the “Future Public Passive Park” as the County would own the underlying fee. If the scenic easement is to be granted to the County as it pertains to the HOA’s open space, it appears that the purpose of the two easements, to ensure that the eased area remains undisturbed, will essentially be fulfilled by either easement, and I do not believe that both easements are necessary. However, I also note that while the open space/conservation easement allows for utilities, stormwater management, BMP

A-093

facilities, and trails there is no specific mention of these facilities in the scenic easement language. Yet, the CDP shows at least half of the stormwater management pond lying within the area intended to be subject to the scenic easement, so it is not clear whether stormwater management facilities are or are not intended to be allowed within the scenic easement area. I suggest that this be clarified. The CDP also shows a trail from between Lots 64 and 65 as necessarily having to cross the scenic easement and it is not clear if trails are to be permitted within the scenic easement. Again, I suggest that this be clarified. One way to do this would be to incorporate the last sentence of proffer 18, which allows for the removal of dead, damaged, dying or diseased trees, into proffer 13, while retaining the existing exemption found within proffer 13, and then deleting proffer 18.

Applicant Response: *Proffers 13 and 18 have been revised as recommended by staff, with proffer 18 being deleted and the last sentence of proffer 18 being included in proffer 13.*

2. In regard to proffer 16.D., in the second line thereof, I suggest that the phrase “shown on Sheet 3 of the CDP” be changed to read “shown on Sheet 4 of the CDP as ‘5’ sidewalk with steps”.

Applicant Response: *Proffer 16.D has been revised as recommended by staff.*

3. In further regard to proffer 16.D., in the third line thereof, the applicant has referenced “Lots 121, 122, 162 and 163”. Based on what is shown on the CDP, I suggest that this be changed to “Lots 119, 120, 161 and 162”.

Applicant Response: *The lot numbers now reflect lots 120/121 and 163/164, since these are now the four lots straddling the sidewalk referenced in this proffer on the revised CDP.*

4. In regard to proffer 25., in the eighth and ninth lines of the second paragraph thereof, I suggest that the phrase “in the Proffer Statement dated July 6, 2009 and revised through January 11, 2010” be deleted. Not only is the second referenced date incorrect, this whole phrase is unnecessary, as the preceding cross reference to Proffer 23 is sufficient

Applicant Response: *Proffer 24 (formerly proffer 25) has been revised to delete the phrase as recommended by staff.*

5. In regard to proffer 31., concerning the reforestation plan, I note that in some instances the applicant uses capital letters, appearing to create the term “Reforestation Plan” as a term of art, and at other times in the proffer, the term is written with lower case letters. I suggest that the term be clearly made a term of art and that capital letters be used consistently in referencing the Reforestation Plan.

Applicant Response: *Proffer 30 (formerly proffer 31) has been revised to consistently capitalize “Reforestation Plan” as a term of art as recommended by staff.*

A.094

6. In regard to the cover sheet for Exhibit B, I suggest that the word "preared" be changed to "prepared".

Applicant Response: *The cover sheet for Exhibit B has been revised as recommended by staff.*

7. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

Applicant Response: *Comment noted.*

**LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT –
ENVIRONMENTAL REVIEW TEAM (TODD TAYLOR, 2/17/2010)**

1. The applicant's responses indicate that the City of Fairfax defines the southern limits of the Goose Creek Reservoir as 200 feet south of the Sycolin Road bridge. As indicated in a telephone conversation and an electronic mail to the applicant's engineer, Rich Brittingham with Dewberry, the limits of all drinking water reservoirs within the County are based on data from the Virginia Department of Environmental Quality. Since the City of Fairfax's limits differ from those of DEQ, staff requests additional information regarding the basis for the City of Fairfax's reservoir limits. To ensure compliance with Facilities Standards Manual (FSM) Section 5.320.D.7.a, staff recommends that this discrepancy be rectified prior to the approval of the subject application.

Applicant Response: *A letter from the City of Fairfax, the owner and operator of the Goose Creek Reservoir, indicates the limits of the reservoir from their perspective as being located approximately 200 feet south of the Sycolin Road bridge over Goose Creek. This location is approximately where the elevation of Goose Creek Equals the elevation of the top of the dam for the reservoir. The City of Fairfax letter is attached to this response letter. Since the reservoir limits are located north of this property, the property is not subject to FSM Section 5.320.D.7.a.*

2. Based on the plan enlargements provided on Sheet 7, potential house locations for lots 19, 20, and 168 are located approximately 3 to 8 feet from very steep slope areas. To comply with Section 5-1508(D)(1)(c) of the Revised 1993 Loudoun County Zoning Ordinance, please demonstrate through plan and profile views that the proposed houses are constructible without impacting very steep slopes.

Applicant Response: *Sheet 7 shows house locations for lots 19, 20, 29 and 30. Lot 168 has been relocated and no longer is in close proximity to very steep slope areas and is no longer shown on Sheet 7.*

3. Staff recommends revising the existing proffer to provide a viable reforestation project that will help protect Goose Creek from the proposed development. The

A-095

current reforestation proffer provides less environmental benefit than previous Proffer 19 (Goose Creek Reservoir Protection Buffer and Scenic Easement) and Proffer 23 (Riparian Planting Plan) associated with rezoning ZMAP-2004-0006. Livestakes and fascines are not appropriate at the new planting locations as they are best suited in areas of moist soil conditions where water levels fluctuate mildly. More specifically, livestock and fascines are best suited along the bank toe and bank face in areas where scour is not severe, adding structural stability to the streambank to prevent erosion. Also, the southern planting area corresponds with the embankment of the proposed stormwater management pond. Minimum Standard 3.01 of the Virginia Stormwater Management Handbook (Page 3.01-13) states that trees, shrubs, or any woody plants should not be planted on the embankment or adjacent areas extending at least 25 feet beyond the embankment toe. In addition, a meeting with the U.S. Army Corps of Engineers (Corps) and Virginia Department of Environmental Quality (DEQ) did not indicate that the previous proffered channel stabilization/reforestation techniques were problematic. The agencies only indicated that in-stream activities would need to be reflected as part of the wetland permit.

Applicant Response: *The applicant has revised the reforestation plan to a configuration recommended by staff at a meeting held on March 4. The revised reforestation plan is shown on Sheet 8 of the CDP and replaces the prior plan proposed on Sheets A of A, B of B and C of C. The materials proposed are appropriate for the proposed location and are consistent with staff recommendations for plant size.*

4. The applicant's responses state that they can agree to provide the County with any information submitted to the National Association of Homebuilders (NAHB) for purposes of receiving certification. Staff recommends that Proffer 34 (Building Standards) be updated to reflect that agreement. As previously stated, staff commends the applicant for including the proffer, but has concerns regarding enforceability. While the above agreement keeps the County informed of performance points being pursued, the current proffer does not have a mechanism that ensures fulfillment. Staff recommends that the proffer include a commitment to a surety that the County will release when certification is awarded, or once County staff verifies independently that the green building features have been completed. Said surety would need to be distinct from performance bonds required by the FSM. A similar approach was included as a note in the Conditions of Approval for SPEX-2008-0052 Kincora Village for the recreational facility (baseball stadium), as well as LEED projects in Arlington County being pursued as part of floor area ratio (FAR) incentives.

Applicant Response: *The applicant is continuing the proffer to construct the homes in accordance with the NAHB bronze level green building standards. After speaking with Susan Glass on the staff of Zoning Administration, the applicant is proffering to provide the certificate issued by the NAHB as a condition of receiving the occupancy permit for each dwelling unit. The flow chart illustrating the NAHB certification process is attached and demonstrates that this program is designed to assure compliance with their green building standards through the use of an independent verifier. The applicant is voluntarily agreeing to this process at added expense and is sufficiently rigorous for the county to rely on the certificate issued by NAHB.*

A - 096

5. Wetland permit WP4-09-0369 was issued on July 8, 2009 for the previous development layout. The permit authorizes the compensation for permanent wetland impacts through the purchase of 0.51 wetland credits from the Cedar Run Wetlands Bank in Prince William County, Virginia. The applicants responses state that they will use the previous purchased credits to offset any revised wetland mitigation required caused by the new layout, but will purchase any additional required mitigation from an approved wetland bank located within Loudoun County. The previously purchased credits are inconsistent with Policy 23 on Page 5-11 of the Revised General Plan which states that "the County will support the federal goal of no net loss to wetlands in the County."

Applicant Response: *The Virginia General Assembly has passed legislation that supersedes this county policy. Therefore, the applicant has removed the proffer to offset any additional wetland mitigation beyond the 0.51 acres already purchased, if any, within Loudoun County, since the applicant believes that the requested proffer will be contrary to state law.*

LOUDOUN COUNTY PARKS, RECREATION AND COMMUNITY SERVICES (BRIAN FULLER, 2/16/2010)

1. On Sheet 3 of the CDP, please label Landbay "C" Open Space Dedication Line as, "Future Public Passive Park."

Applicant Response: *Sheet 3 has been revised as recommended.*

Issue Status: Resolved.

Applicant Response: *Comment noted.*

2. PRCS requests that the Applicant proffer signage within the "Future Public Passive Park" in Landbay C. This may include, but not be limited to, entrance signage, interpretive signage, and trail markers. The signage should meet PRCS standards at the time of installation.

Applicant Response: *The applicant is proffering a \$1,000 contribution to the County to install directional signage for the passive park.*

Issue Status: PRCS acknowledges the addition of Proffer 36 and appreciates the Applicant's contribution toward future park signage. However, Staff requests that the 2nd sentence of Proffer 36 be revised to state the contribution shall be paid at time of parkland dedication at County request, per Proffer 12.

Applicant Response: *Proffer 35 (formerly Proffer 36) has been revised as recommended by staff.*

Issue Status: Resolved.

A-097

Applicant Response: *Comment noted.*

3. PRCS requests a revised entrance to Landbay C, to include a trailhead with vehicular parking in the vicinity of the future Loudoun Water Pump Station.

Applicant Response: *Since this is a single family residential community, it was never intended that Belmont Glen Village would provide vehicular access for members of the public to access the Goose Creek passive linear park. Rather, vehicular traffic could park and access the linear park from the Tillet park site to the south of the commercial portion of Goose Creek Village to the north. Pedestrian access is being provided to the general public from the Belmont Ridge Road trail via the access trail provided on the existing gravel roadway along the south side of Belmont Glen Village property to the pedestrian sidewalk network within Belmont Glen Village to the break between lots 184 and 185. The applicant will grant a public access to the County-owned parkland over the access driveway being constructed to access the stormwater management pond for maintenance.*

Issue Status: Staff notes the labels on the CDP and the revision of Proffer 16. However, please revise the 1st sentence, line 5, to refer to Proffer 11 above, not Proffer 12.

Furthermore, please revise the Proffer to state that a public access easement will be placed over the trail at the time of public parkland dedication, per (revised) Proffer 12.

Applicant Response: *Proffer 16 has been revised as recommended by staff.*

Issue Status: Resolved.

Applicant Response: *Comment noted.*

4. PRCS requests that the Applicant consider adjusting the location of the "SWM Pond" out of Landbay C.

Applicant Response: *The land area encompassed by the SWM pond has been excluded from the area being dedicated to the County, in response to staff's request. The applicant is maintaining the current commitment of dedicating 61.33 acres to the County for the passive linear park along Goose Creek.*

Issue Status: Resolved.

Applicant Response: *Comment noted.*

A-098

CONCLUSION:

PRCS has reviewed the Applicant's responses and would not be in objection to an approval of this application as presented.

Applicant Response: Comment noted.

**LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING
(KELLY WILLIAMS, 2/2/2010)**

Elabarger, Mike

From: Williams, Kelly S.
Sent: Tuesday, February 02, 2010 9:13 AM
To: Elabarger, Mike
Cc: Keegan, Cynthia
Subject: Belmont Glen Village, third submittal

Mike,

I have reviewed the ZCPA 2009-0007 & ZMOD 2009-0004, Belmont Glen Village, third submission dated January 29, 2009. I have no further comments on this application.

Kelly

Applicant Response: Comment noted.

**LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT – LAND
SUBDIVISION (WILL HIMEL, 2/9/2010)**

Previous comments were satisfactorily addressed and no additional comments are offered at this time. Should additional revisions be forthcoming, Staff requests an opportunity to review these documents.

Applicant Response: Comment noted.

**LOUDOUN COUNTY OFFICE OF TRANSPORTATION SERVICES (LOU MOSURAK,
2/9/2010)**

A-099

Elabarger, Mike

From: Mosurak, Lou
Sent: Tuesday, February 09, 2010 11:00 AM
To: Elabarger, Mike
Cc: Beacher, Andrew, Smithson, Terri
Subject: ZCPA 2009-0007, ZMOD 2009-0004 -- Belmont Glen Village (OTS 3rd Referral Comments)

Mike – This email serves as the 3rd OTS referral on these applications. I have reviewed the materials you provided on 2/1/10 and have no additional comments beyond those stated in the 2nd OTS referral dated 11/19/09. Subject to VDOT confirmation that the proposed public streets are consistent with the 2009 Secondary Street Acceptance Requirements (SSAR), OTS would have no objection to the approval of these applications.

Please let me know if you need anything further regarding these applications.

Lou

Applicant Response: *Responses to VDOT comments are provided below.*

VIRGINIA DEPARTMENT OF TRANSPORTATION (RASHID SIRAJ, 2/25/2010)

We have reviewed the above revised application as requested and have no objection to the approval with the following comments:

1. The computations for connectivity index should also take into consideration connection to existing/future streets. Accordingly the intersection of existing Fairhunt Drive/Holly Knoll and Leesylvania Courts (Segments=3, Intersection=1), and the future connection to the adjacent property. Goose Creek Preserve, (Segment=1, Intersection=1), should also be accounted for. The total number of "Street Segments" and the "Intersections" therefore should be 15 and 10 respectively, giving a Connectivity Index (CI) of $15/10 = 1.5$. Since the computed index for the designated "Suburban" area is greater than the required minimum value of 1.4, connectivity for this development is satisfied and no further exclusion is needed. (Note: In case exclusion was required then the distances should have been clearly identified on the plan view also.)

Applicant Response: *The computations for the connectivity index found on sheet 4 of the CDP have been revised according to VDOT's recommendations.*

2. The applicant is cautioned that the above computed connectivity index is only applicable to the development of this property in a "single" phase. However, if phasing is proposed then each area shall individually satisfy the requirement of the connectivity index and provide access in multiple directions (minimum two (2) are needed).

Applicant Response: *No phasing is proposed with this zoning application. Should the applicant submit the preliminary subdivision plans in phases, which is not contemplated by the application, the applicant acknowledges that the connectivity index requirement will need to be met for each phase.*

We look forward to being scheduled for the April Planning Commission public hearing. Please let me know if you need any additional information.

A. 100

Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH &
WALSH, P.C.

A handwritten signature in black ink, appearing to read "Christine Gleckner", written over the printed name.

Christine Gleckner, AICP
Land Use Planner

Enclosure

cc: Rick Entsminger, Bayshire, LLC
James Mobley, Bayshire, LLC
Rich Brittingham, Dewberry
David Weems, Dewberry

A-101



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& WALSH PC

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January 29, 2009



Via Hand Delivery

Michael Elabarger
Planner - Land Use Review
Loudoun County Department of Planning
One Harrison Street, Third Floor
Leesburg, VA 20176

Re: Belmont Glen Village
ZCPA 2009-0007 & ZMOD 2009-0004

Dear Mr. Elabarger:

This letter addresses and provides you with a written response to the referral agency comments in the above referenced application. For your convenience, each of the staff comments are stated below and the applicant's responses follow in bold italics.

**LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING
(KELLY WILLIAMS, 11/23/2009)**

The Applicant has responded to Community Planning's first referral dated October 5, 2009 by providing a response letter as well as a revised Concept Development Plan, Proffers and a Statement of Justification. It appears that all comprehensive planning issues related to the application have been adequately resolved through the revised site design and proffer commitments. As such, Community Planning staff recommends approval of the proposed rezoning.

Applicant Response: *The comment is noted, but does not require a response.*

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ATTORNEYS AT LAW

A-102

**LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT – ZONING
ADMINISTRATION (VAL THOMAS, 12/2/2009)**

1.

Proposed Modification – Along the boundary that adjoins the Goose Creek Preserve property to the northeast, the applicant proposes to provide:

- A minimum 25-foot permanent open space buffer along lot 37, a lot containing a minimum of 10,000 square feet;
- A minimum 30-foot permanent open space buffer along lots 48-51, lots containing a minimum of 9,000 square feet;
- A 25-foot rear yard along lots 38 and 39, lots containing a minimum of 7,500 square feet;

Applicant's Justification – The Applicant notes that the adjacent Goose Creek Preserve property is zoned PD-H4, at a higher density than Belmont Glen and has no required minimum lot size. Both properties propose single family detached units along the common property boundary and Goose Creek Preserve is providing an open space buffer along the common boundary with Belmont Glen Village. This open space buffer is wooded with mature stand of trees.

Staff Response – The public purpose of the 50-foot buffer requirement is to provide a visual separation between two zoning districts or residential land bays with potentially dissimilar lot sizes and to provide protection of the development from potentially adverse influences. While Staff does not believe that the development provides for an innovative design, the open space buffer provided on the adjacent development, the minimum required rear yard setback and reduced open space buffer on these few lots serves the required visual separation of the Ordinance. Further, the development is proposed to locate in close proximity to the Goose Creek Preserve property thus maximizing the open space buffer along Goose Creek (67% of the site will be maintained as open space). Staff can support this modification request.

Applicant Response: *Comment noted.*

However, the modification of Section 4-110(I) do not apply since the modification request relates only to external relationship of the proposed development to the adjacent development and not between internal land bays. Please remove this section from Checklist Item P as well as from Sheet 7 of the ZCPA Plans. Further, staff asks that the Applicant include proposed lots 17, 18 and 19 in this modification request as the adjacent proposed private road do not meet the requirement of the ordinance, which requires a permanent open space buffer 50 feet wide, landscaped with a Type 2 Buffer Yard.

Applicant Response: *The modification of Section 4-110 (I) has been deleted, since the internal land bays have been eliminated. Lots 17, 18 and 19 have been included in the modification as recommended by staff.*

A-104

2. **Modification of ADU Requirements to permit cash in lieu of units, § 7-103(A)(1) Single Family Detached and Single Family Attached Units.** For active rezoning applications that have not yet complied with Section 6-1204(D)(1) of this Ordinance as of December 16, 2003, and for rezoning, special exception, site plan and preliminary subdivision applications officially accepted after December 16, 2003 which request approval of single family detached dwelling units or single family attached dwelling units, the proposed density shall reflect an increase of twenty percent (20%), including the required number of affordable dwelling units, unless such figure is modified pursuant to the provisions of Section 7-108 or the applicant provides cash in lieu of providing the single family detached units pursuant to Section 7-108(A)(3).

Proposed Modification - Request modification to permit cash buyout in lieu of the required Affordable Dwelling Units (ADUs), pursuant to Section 7-108(A)(3), which states as follows:

... any request for rezoning, special exception, or preliminary subdivision (by right) which contains only single family detached units, a modification may be requested to provide cash in lieu of the units. Such cash must be paid prior to the first zoning permit. In the event that an applicant requests a modification to make such cash payment, the following criteria shall apply:

- (a) The cash formula of Section 7-108(E) shall apply.
- (b) The decision to pay cash in lieu of providing the units has to be made at the time of approval of rezoning, special exception or preliminary subdivision (by right), as applicable.
- (c) No bonus density is to be granted for a development, when an applicant opts to provide cash in lieu of units.
- (d) The district regulations of Article VII shall not apply to a development when an applicant opts to provide cash in lieu of units.

Applicant's Justification - The Applicant notes that the proposed application is an amendment to ZMAP 2002-0007 and adopted as ZMAP 2004-0006 as part of a court settlement of the original rezoning application. The proposed application is seeking to retain the proffers and applicable modifications that were adopted under ZMAP 2004-0006, and this modification is identical to the modification approved under ZMAP 2004-0006.

Staff comment- The original application ZMAP 2002-0007 fully complied with all Zoning Ordinance provisions, including Article VII governing affordable dwelling unit developments and included a cash buy-out of the affordable dwelling units for 6.25% of the total units payable to the County prior to issuance of the first zoning permit on the property. ZMAP 2004-0006 was adopted with the same modification.

A-105

Staff comment- The original application ZMAP 2002-0007 fully complied with all Zoning Ordinance provisions, including Article VII governing affordable dwelling unit developments and included a cash buy-out of the affordable dwelling units for 6.25% of the total units payable to the County prior to issuance of the first zoning permit on the property. ZMAP 2004-0006 was adopted with the same modification.

The cash buy-out included in the approved proffers meets the cash formula of Section 7-108(E) in effect on December 1, 2003. The original modification was granted as part of the rezoning application constituting all single-family detached dwelling units. No bonus density was approved for this application and the Article VII district regulations were not used. It should also be noted that the Modification Subcommittee of the Affordable Dwelling Unit Advisory Board (ADUAB) as well as the full ADUAB recommended approval at the time of the rezoning, as did staff. Staff therefore supports this modification.

Applicant Response: *The comment is noted, but does not require a response.*

3. On the Concept Development Plan (Sheet 3), the Applicant depicts a proposed minimum side yard of six feet, while Section 3-506(C)(1)(b) requires a minimum side yards of 8 feet, or, 16 feet if only one side yard is provided, with a minimum distance of 16 feet between buildings. Please correct this, or submit a modification request to reduce the side yard to six feet.

Applicant Response: *The application now includes a modification request for six-foot side yards.*

4. On Sheet 7 ("Typical Sections, Plan Enlargement and Modifications"), the depiction of the 6'/25' and rear/side setback is confusing as it appears to imply 6 feet for rear setback and 25 feet for side setback. Please clarify.

Applicant Response: *The typical section drawing has been revised to clarify the 6' side yard setback and the 25' rear yard setback.*

5. The "Typical Single Family Detached lot" illustrative depicted on Sheet 7 incorrectly depicts side yards of six feet. Please correct this.

Applicant Response: *The side yard dimension is being modified to depict six feet.*

6. **Proffer comments (from Susan Glass, Proffer Manager)**

- Proffer I.2, Public Road Access: Belmont Glen Drive is not shown on the CDP. Does the Applicant intend to specify Belmont Glen Place?

Applicant Response: *The proffer has been revised to refer to Belmont Glen Place.*

- Proffer I.3, Construction Traffic Access: Repeat of above comment; does the Applicant intend to specify Belmont Glen Place rather than Belmont Glen Drive?

Applicant Response: *The proffer has been revised to refer to Belmont Glen Place.*

- Old Proffer V.11, Frontloaded Cash Contributions for Regional Road Improvements: I confirmed that the County previously received payment of frontloaded cash contribution.

Applicant Response: *The comment is noted, but does not require a response.*

- Proffer VI.12, Dedication of Open Space/Park Land Along Goose Creek: This proffer provides that 61.33 acres shall be dedicated to the county and that the land shall be maintained in its natural condition. However, the dedication is subject to the Applicant's right to install and construct public utility and stormwater conveyance improvements on the property, which contradicts the proffer commitment to leave the property in its natural state.

Applicant Response: *The intent of the proffer is to preserve the area in a natural state, except as needed to construct infrastructure necessary for the community. In the original rezoning application, this land area first was proposed as a setback from Goose Creek. The County requested the land area to be dedicated, which the applicant agreed to do provided the applicant retained the ability to construct the infrastructure needed for the community. The terms of the dedication do not change with this zoning amendment application.*

- Proffer VI.16, Trails: Second paragraph, the third line has a typo; the sentence should read: "This trail shall be constructed or bonded for construction prior to the issuance of the..." rather than "o the".

Applicant Response: *The typographical error has been corrected.*

- Proffer VI.17, Archeological Site: I believe the reference to proffer 13 above in the second line should be revised to proffer VI.12.

Applicant Response: *The proffer reference has been corrected.*

- Proffer VI.17, Archeological Site: We encountered some issues with preventing disturbance of this site during CPAP review. I have asked Mike Clem, B&D Archeologist, to review this proffer.

Applicant Response: *Comment noted. We have not received comments from Mike Clem as of this date.*

A-107

- Proffer VI.17, Archeological Site: On sheet 3 of the CDP, it appears that the line indicating Future Public Passive Park Open Space Demarcation Line bisects the archeological site. I believe the intent of proffer IV.17 is for the site to be included in the property conveyed to the County. Please review and revise the CDP sheet(s) accordingly.

Applicant Response: *The archeological site is being preserved and will not be disturbed by virtue of being located in permanent open space either dedicated to the County as part of the Future Public Passive Park or by being within the HOA-owned permanent open space area. Proffer 17 has been revised to state explicitly that the archeological will not be disturbed.*

- Proffer VI.18, Goose Creek Reservoir Protection Buffer and Scenic Easement: The Applicant proposes establishing a 300-foot easement from the stream bank of the active channel of Goose Creek, which shall remain undisturbed, except for those areas that shall be dedicated in fee simple to the County. Why is the Applicant proposing this exception for the future County property when proffer VI.12 provides that the property shall remain in its natural state?

Applicant Response: *The exception for land to be dedicated to the County has been deleted from the proffer.*

- Proffer VI.19: Tree Conservation Plan: I believe the reference to proffer 16 above in the last sentence should be revised to proffer VI.15 (Proffer VI.16 pertains to trails rather than tree save areas).

Applicant Response: *The proffer reference has been corrected.*

- Proffer VII.20, Homeowner's Association: I believe the County's General Services division has assumed responsibility for maintaining stormwater management facilities.

Applicant Response: *The proffer has been revised according to staff's recommendation.*

- Proffer VII.23, Stormwater Management Ponds: The previous ZMAP application assumed stormwater management would be provided by LID facilities scattered around the development. I believe the approved CPAP has only the one stormwater management pond which is adjacent to the future County park site. However, possible LID is still shown on the CDP. Will LID be used?

Applicant Response: *This application is retaining the possibility for LID to be used by identifying potential LID sites within the project, but is not requiring that LID be used. The determination for final stormwater management design will occur during the subdivision and construction plan and profile review stages.*

A-108

- Proffer VII.25, Property Owner Education and Notification: I believe the reference to proffer 24 should be Proffer VII.23 (proffer 24 is for utility routing, not stormwater management ponds).

Applicant Response: *The proffer reference has been corrected.*

- Proffer IX.27, Affordable Dwelling Units: Will the County receive a lump sum payment of \$449,756.67? Or is the Applicant intending to make a per unit contribution that will total this amount? Please revise this proffer to clarify how the County will receive the payment.

Applicant Response: *The proffer has been revised to clarify that the contribution will be provided in a lump sum payment, as required by the ADU ordinance.*

**LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT – ZONING
DIVISION (LARR KELLY, 12/1/2009)**

1. In regard to the header, it is not clear what the application's number is. As written, it is "ZCPA 2009-000". I believe the correct number is ZCPA 2009-0007. I suggest that the correct number be identified.

Applicant Response: *The application number has been corrected.*

2. In regard to the preamble, in the seventh line thereof, I suggest that a parenthetical, "(ZCPA 2009-0007)" be inserted after the word "Amendment".

Applicant Response: *The proffer has been revised as recommended by staff.*

3. In further regard to the preamble, in the thirteenth line thereof, I suggest that the correct application number be referenced instead of "ZCPA 2009-000".

Applicant Response: *The application number has been corrected.*

4. In regard to proffer 2., in the second line thereof, there is a reference to "Belmont Glen Drive". However, this road is not labeled on the CDP. I suggest that this road be identified on the CDP.

Applicant Response: *The proffer has been revised to refer to Belmont Glen Place, which is identified on the CDP.*

5. In further regard to proffer 2., in the thirteenth line thereof, I note that the proffer uses the word "Adjacent" while the CDP uses the abbreviation "Adj". I suggest that a consistent term be used.

A-109

Applicant Response: *The CDP has been revised to use the word "Adjacent."*

6. In regard to proffer 6., concerning the fire and rescue contributions, I note that the contributions are listed as being in 2004 dollars. I further note that the County's adopted policies requests that fire and rescue contributions use a base year of 1988.

Applicant Response: *The proffers have been revised to use a base year of 1988.*

7. In regard to proffer 12., I note that the applicant has indicated the intent to dedicate 61.33 acres of land along the Goose Creek "as shown on the CDP". The applicant further refers to "the park dedication area" and the "park dedication". However, there is nothing on the CDP which clearly identifies the land to be dedicated. I suggest that the CDP be changed to show the area to be dedicated in a cross-hatch and that a term of art for the dedication area be created, in order to avoid any confusion. I also suggest that the access to the park be more clearly identified.

Applicant Response: *The CDP has been revised to identify access to the park at the locations between lots 64 and 65 and between lots 184 and 185. The proffers have been revised to reflect the terminology used on the CDP for the park area, which is "Future Public Passive Park." The line denoting the park dedication area and the HOA open space area is shown and labeled on the CDP.*

8. In regard to proffer 13, in the first line thereof, I suggest that it be clarified as to whom the "open space/conservation easement" is to be dedicated. If it is to the County, then I suggest that the phrase "to the County" be inserted following the word "dedicated".

Applicant Response: *The proffer has been revised as recommended by staff.*

9. In further regard to proffer 13., I note that the applicant refers to the open space land located between the "park dedication line" and the "300-foot Goose Creek Reservoir Protection Buffer and Scenic Easement". I presume that the "park dedication line" is the same as the "Future Public Passive Park Open Space Dedication Line" shown on the CDP, but I suggest that this be clarified. I also presume that the "300-foot Reservoir Protection Buffer and Scenic Easement" shown on the CDP is what the applicant intended to reference, but I suggest that the inconsistency between the two phrases be eliminated.

Applicant Response: *The proffer has been revised to clarify that the line delineates the boundary between the park dedication area and the HOA-owned open space area. The applicant has determined that the property does not fall within the 300-foot Goose Creek Reservoir Protection Buffer and has removed that label from the CDP.*

A-110

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10. In further regard to proffer 13., in comparing it to proffer 18., I am uncertain as to the intended difference between the "Open Space/Conservation Easement" provided in proffer 13, and the "Scenic Easement" provided in proffer 18. Both easements apply to the same portion of the Property and it appears that both are to be dedicated to the County. I am not certain what is intended by the two different easements and I suggest that this be clarified.

Applicant Response: *The easements referred to in proffer 13 is a permanent open space and conservation easement to be placed on the open space areas to be owned and maintained by the HOA. As previously stated, the applicant has determined that the property is not located within the 300-foot reservoir protection buffer, and, therefore, references to that buffer have been eliminated from proffer 18. What remains in proffer 18 is the original 300-foot Goose Creek Scenic Easement, provided pursuant to Goose Creek Scenic River protection policies. Technically, a separate 300-foot scenic easement is not required, since all of the land falling within this area is located either in the park dedication area covered under proffer 12 or in the HOA-owned open space easement area covered under proffer 13. If determined to be acceptable to staff and to the Goose Creek Scenic River Advisory Committee, the applicant could delete proffer 18 due to the protections provided to this area by proffers 12 and 13.*

11. In regard to proffer 16., in the fifth line thereof, there is a reference to "proffer 12". Given the change in proffer numbers, I believe that this reference should now be to "proffer 11". I suggest that this be so changed.

Applicant Response: *The proffer reference has been corrected.*

12. In further regard to proffer 16., in the third line of the second paragraph, I suggest that the phrase "issuance o the" be changed to "issuance of the".

Applicant Response: *The typographical error has been corrected.*

13. In regard to proffer 17., in the first line thereof, I suggest that the phrase "as 'Revised Archeology Site (per 10/08 Addendum by Thunderbird)'" be inserted following the phrase "shown on the CDP".

Applicant Response: *The proffer has been revised as recommended by staff.*

14. In further regard to proffer 17., in the second line thereof, I note that the applicant has referenced the "open space dedication area established under proffer 13 above". However, it is not clear if the intent was to reference the park area to be dedicated to the County pursuant to proffer 12, or to reference the open space/conservation easement area referenced in proffer 13. I suggest that this be clarified.

A-111

Applicant Response: *Proffer 17 has been clarified to refer to both proffers 12 and 13, since the archeological site is located in both the park dedication area and the HOA permanent open space area.*

15. In further regard to proffer 17., I note that the proposed storm water management pond is very close to the archeology site. I suggest that a minimum non-disturbance distance be established between the pond and the limits of the archeology site.

Applicant Response: *The limits of the archeological site as shown on the CDP establish the non-disturbance area. Proffer 17 has been revised to state explicitly that no land disturbance will occur within the limits shown on the CDP.*

16. In regard to proffer 18., I again question the difference between the scenic easement proposed by this proffer and the open space/conservation easement proposed in proffer 13. However, if this proffer remains, then I suggest, in the second line thereof, that the phrase "as identified on the CDP" be changed to "identified on the CDP as '300' Reservoir Protection Buffer and Scenic Easement".

Applicant Response: *The easements referred to in proffer 13 is a permanent open space and conservation easement to be placed on the open space areas to be owned and maintained by the HOA. As previously stated, the applicant has determined that the property is not located within the 300-foot reservoir protection buffer, and, therefore, references to that buffer have been eliminated from proffer 18. What remains in proffer 18 is the original 300-foot Goose Creek Scenic Easement, provided pursuant to Goose Creek Scenic River protection policies. Technically, a separate 300-foot scenic easement is not required, since all of the land falling within this area is located either in the park dedication area covered under proffer 12 or in the HOA-owned open space easement area covered under proffer 13. If determined to be acceptable to staff and to the Goose Creek Scenic River Advisory Committee, the applicant could delete proffer 18 due to the protections provided to this area by proffers 12 and 13.*

17. In regard to proffer 19., in the first line thereof, I suggest that the phrase "portions of the" be inserted prior to the phrase "HOA-owned open space areas".

Applicant Response: *The proffer has been revised as recommended by staff.*

18. In further regard to proffer 19., in the last line thereof, there is a reference to "proffer 16 above". I suggest that this be changed to refer to proffer 15.

Applicant Response: *The proffer reference has been corrected.*

A-112

19. In regard to proffer 27., in the fourth line thereof, there is a reference to cash contributions being "calculated in terms of current dollars". I suggest that this be changed to refer to 2004 as the base year.

Applicant Response: *The proffer has been revised to specify a base year for cash contribution proffers.*

20. In regard to proffer 28., in the last line thereof, I note that the applicant is proffering conformance with Sheet 7, which is not a proffered sheet. I suggest that this sheet be proffered, and noted amongst the sheets mentioned in proffer 1.

Applicant Response: *Sheet 7 has been added as a proffered sheet as recommended by staff.*

21. In regard to proffer 31., in the second line thereof, the applicant refers to the "Goose Creek open space buffer area". In proffer 13, the applicant referenced an "open space/conservation easement" and in proffer 18 the applicant referenced a "Reservoir Protection Buffer and Scenic Easement", but heretofore has not referred to an "open space buffer". I suggest that the applicant's intent be clarified. In addition, in the next to last line of the proffer, I suggest that the phrase "any of" be inserted prior to the phrase "Lots 174-184".

Applicant Response: *Proffer 31 has been deleted, since the plantings referred to in this proffer are redundant with the Reforestation Plan called for in the former proffer 32 (now proffer 31).*

22. In regard to proffer 32., in the first line thereof, the applicant now references "the HOA-owned open space area along Goose Creek". It is not clear whether this is intended to be the same as the "Goose Creek open space buffer area" referenced in proffer 31. I suggest that the referenced area be clarified. Additionally, in the thirteenth lines thereof, I suggest that phrase "any of" be inserted prior to the phrase "lots 168 through 170".

Applicant Response: *Proffer 31 (formerly proffer 32) has been revised to refer the "HOA-owned open space," since that term is consistent with the label on the CDP. It also refers to proffer 13 to further clarify the open space where the reforestation will occur. The additional wording has been revised as recommended by staff.*

23. In regard to proffer 35., in the last line thereof, I suggest that the word "elsewhere" be inserted prior to the phrase "within Loudoun County".

Applicant Response: *Proffer 34 (formerly proffer 35) has been revised as recommended by staff.*

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24. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

Applicant Response: *The comment is noted, but does not require a response.*

LOUDOUNCOUNTY DEPARTMENT OF BUILDING & DEVELOPMENT (WILL HIMEL, 11/19/2009)

1. In Proffer Statement I(1), as Sheet 7 depicts zoning ordinance modifications and diagrams associated with the proposed development, it is recommended that Sheet 7 also be proffered. As it relates to Sheet 7, Staff notes the building height note is inconsistent with Proffer X. This note should be revised to be consistent with Proffer X.

Applicant Response: *Sheet 7 has been added as a proffered sheet as recommended by staff. The building height note on Sheet 7 has been revised to be consistent with Proffer X.*

2. Throughout the Proffer Statement, Belmont Glen is referenced as 'Drive'. However, according to County records this should be Belmont Glen 'Place'. Please replace 'Drive' with 'Place' throughout the Proffer Statement.

Applicant Response: *The references to Belmont Glen Drive have been corrected as recommended by staff.*

3. In Proffer Statement I(2), referencing public road access, please revise the word Adjacent with Adj. to match the actual language used on Sheet 4 of the Concept Development Plan.

Applicant Response: *The wording used on the CDP has been revised to match the language used in Proffer I (2).*

4. Regarding Proffer V(9), referencing sidewalks, on Sheet 3 please add a label and leader arrow to indicate the sidewalks or add an appropriate notation to the legend depicting these, or change the referenced sheet from Sheet 3 to Sheet 4 in the Proffer Statement.

Applicant Response: *The proffer has been revised to refer to Sheet 4 as recommended by staff.*

5. Regarding Proffer Statement VI(12), referencing dedication of open space/park land, how wide will the public access easement be between Lots 184 & 185? What materials will be used in its construction? As this is a proposed public access easement it should be depicted on the Concept Development Plan and its width and construction materials described.

Applicant Response: *The CDP has been revised to provide the information requested for the access being provided to the future park between lots 184 and 185.*

6. Regarding Proffer Statement VI(16), referencing trails, will the 5' wide trail between Lots 121/122 & 162/163 be located within an easement, on open space, or on these individual lots? Staff recommends the trail be located off of the individual lots and on an open space parcel.

Applicant Response: *These trails will be located on open space parcels as recommended by staff.*

7. Regarding Proffer Statement VI(17), referencing the archaeological site, this site could not be discerned on the concept development plan. Staff recommends depicting the site on the Concept Development Plan and adding to the Proffer Statement this sheet number.

Applicant Response: *The archaeological site is depicted on the CDP. The proffer has been revised to refer to the sheet number as recommended by staff.*

8. In Proffer Statement VI(19), referencing tree conservation, it is recommended that language be added to state that the approved Tree Conservation Plan be posted or otherwise made available on site as reference for construction personnel.

Applicant Response: *The proffer has been revised as recommended by staff.*

9. Regarding Proffer Statement VIII(22), referencing storm drainage, VDOT recently revised its regulations concerning storm water discharge. Please ensure any proffers conform with these new regulations.

Applicant Response: *The applicant's engineer has determined that proffer VIII (22) is consistent with VDOT regulations concerning storm water discharge.*

10. In Proffer Statement VIII(26), please capitalize the word "proffer" on line 12.

Applicant Response: *The proffer has been revised as recommended by staff.*

11. Regarding parking, how many parking spaces per unit are being proposed? How and where will these spaces be provided? The proffers and concept development plan do not appear to address this.

Applicant Response: *The CDP has been revised to specify the number and location of parking spaces allocated to each dwelling unit in a note on Sheet 3.*

**LOUDOUN COUNTY DEPARTMENT OF BUILDING & DEVELOPMENT –
ENVIRONMENTAL REVIEW (TODD TAYLOR, 12/8/2009)**

Regarding stream buffers

1. Facilities Standards Manual (FSM) Section 5.320.D.7.a prohibits any land disturbing activity within 300 feet from the existing or planned shoreline of the impoundment area of any public drinking water reservoir. As such, please remove the stormwater management pond from the 300-foot Reservoir Protection Buffer (see Attachment A).

Applicant Response: *The applicant has consulted with the City of Fairfax to determine the limits of the Goose Creek Reservoir. They informed us that the southern limits are 200 feet south of where Sycolin Road crosses Goose Creek, and Belmont Glen Village is not located within 300 feet of that location. Additionally, Belmont Glen Village is located approximately 450 feet north of the dam embankment for the Beaverdam Reservoir. Therefore, Section 5.320.D.7.a of the FSM does not apply to the application property, since the property is not located within 300 feet from the shoreline of either the Beaverdam Reservoir or the Goose Creek Reservoir. Furthermore, the County already has approved a stormwater management pond in the location shown on the concept plan under CPAP 2006-0098. Section 5.320. D.7.b, does apply to the property, however, since it is located within the five-mile radius upstream of the Goose Creek Reservoir.*

2. Depict the full River and Stream Corridor 50-foot Management Buffer on sheets 2 through 6. The 50-foot management buffer surrounds the floodplain and adjacent steep slopes (25 percent or greater). The 100-foot threshold referenced in River and Stream Corridor Resources Policy 2.c is the maximum distance adjacent steep slopes can be from the floodplain. The threshold limits the overall buffer to 150 feet from the floodplain when there are adjacent steep slopes. Please correct the 50-foot Management Buffer on the specified plan sheets. [Revised General Plan (RGP) River and Stream Corridor Resources Policy 2]

Applicant Response: *The 50-foot management buffer has been corrected on Sheets 2 through 6 as recommended by staff.*

3. Once the River and Stream Corridor Buffer is depicted correctly, as described above, lots 170 and 171 are located within the buffer. To minimize impacts to the riparian corridor, staff recommends removing the lots from the buffer. The encroachment would result in impacts to existing forest cover and steep slopes adjacent to a jurisdictional stream. As stated on Page 5-32 of the RGP, "riparian forests along streams provide the greatest single protection of water quality by filtering pollutants from stormwater runoff, decreasing stream bank erosion, and maintaining the physical, chemical, and biological condition of the stream environment". [RGP Policy 18]

Applicant Response: *Lots 170 and 171 have been removed from the management buffer, as recommended by staff and as depicted on Sheets 4 and 7 of the CDP.*

Regarding steep slopes

4. The applicant's responses acknowledge that the layout will require a con-span crossing to access lots 19-39, and references a steep slope/road crossing enlargement on Sheet 7. Since Sheet 7 is not a proffered sheet, as indicated by Proffer I.1, please add a label/note to Sheet 3 indicating that the road providing access to lots 19-39 shall utilize a con-span crossing to avoid impacting very steep slopes. [Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO) Section 5-1508(D)(1)]

Applicant Response: *Sheet 7 has been added as a proffered sheet, but the note has been added to Sheet 3 of the plan as recommended by staff.*

5. As previously stated, land disturbance associated with residential lots is not a permitted use on very steep slopes, per Section 5-1508(D)(1)(c) of the Revised 1993 LCZO. As currently depicted, lots 19, 20, 169, 170, and 171 do not have sufficient buildable area without impacting very steep slopes. Please remove or revise lots to completely avoid land disturbance to very steep slopes.

Applicant Response: *Sheet 7, which is now a proffered sheet, provides enlargement drawings of these lots, which demonstrate that the naturally occurring very steep slope areas will not be disturbed. Lots 169, 170 and 171 are impacted by man-made steep slopes associated with an old roadbed, which are exempt from the steep slope requirements. Lots 19 and 20 clearly depict the limits of clearing and grading and the building area for the dwelling units is not located within those limits and will satisfy the requirements of Section 5-1508(D) (1) (b) and (c) of the Zoning Ordinance.*

6. With this submission, Proffer 19 (Goose Creek Reservoir Protection Buffer and Scenic Easement) and Proffer 23 (Riparian Planting Plan) associated with rezoning ZMAP-2004-0006 have been deleted and replaced with Proffer 32 (Reforestation). The current reforestation proffer identifies two areas for reforestation farther uphill, both outside of the 300-foot Reservoir Protection Buffer. Staff finds that the current proffer provides less environmental benefit than the previous proffers. In addition, staff does not understand why the commitment to stabilize the drainages near the confluence with Goose Creek has been deleted. To provide better protection of the Goose Creek Reservoir and enhanced riparian function, staff recommends that the current proffer be replaced with a general commitment to reforest and stabilize areas adjacent to the Goose Creek Reservoir. The commitment should focus on widening the vegetative buffer along the reservoir and stabilizing drainages on the property that directly flow into the reservoir within the 300-foot Reservoir Protection buffer, as allowed by the U.S. Army Corps of Engineers and Virginia Department of Environmental Quality. Staff recommends that the reforestation effort result in a vegetative buffer along the reservoir that is a minimum of 150 feet in width. In some locations, the current buffer is as narrow as 50 to 75 feet. Reforestation should not include land area that corresponds with the archeological site.

A-117

Staff recommends that the commitment specify the following: 1) the applicant shall work with the County Urban Forester and the Chief Planner of the Department of Parks and Recreation and Community Services on the development of the reforestation/stabilization plan; 2) the reforestation/stabilization plan shall be submitted to the County Urban Forester and the Chief Planner of the Department of Parks and Recreation and Community Services for review and approval prior to the approval of the first construction plans and profiles; 3) the applicant shall post a bond with the County in an amount sufficient to cover the cost of implementing the reforestation/stabilization plan as part of the construction plans and profiles application; 4) plant material shall consist of 3-gallon containerized native trees, unless County staff determines smaller material (live stakes, bare root seedlings, etc.) is appropriate; 5) the reforestation/stabilization shall be implemented prior to issuance of the first certificate of occupancy; 6) the applicant shall ensure a minimum of 80 percent of the initial planting is determined to be established after two growing seasons; 7) an annual inspection shall be conducted by the applicant, the County Urban Forester, and the Chief Planner of the Department of Parks and Recreation and Community Services to verify establishment; and 8) if the 80 percent establishment isn't achieved after the second growing season, a onetime planting to bring the project to full stocking shall be conducted by the applicant.

Applicant Response: *This project has a history associated with the previous stream channel planting proffer from ZMAP 2004-0006. DEQ did have issues with disturbing the area to be replanted. Additionally, during the review of this application, Parks and Recreation made it clear that they were not interested in having new plantings placed within the park dedication area. Therefore, the applicant is proposing a planting plan using the same number of planting materials as proffered under ZMAP 2004-0006 in the HOA-owned permanent open space area along Goose Creek in the locations shown on Sheet A of A. The applicant has revised proffer 19 to include the commitments requested by staff with two exceptions. With regard to recommendation #4, the applicant is proffering a specific planting plan specified on Sheet A of A, which is more specific than the staff recommendation. With regard to recommendation # 5, the applicant has proffered to implement the plan by time of the 15th occupancy permit, since the applicant may be developing the first 14 lots under the approved rezoning.*

Other

7. The applicant indicated during the October 8, 2009 meeting, that a wetland permit has already be issued for the subject property and that mitigation bank credits have already been purchased, outside of Loudoun County. The current permit does not meet Policy 23 on Page 5-11 of the RGP which states that "the County will support the federal goal of no net loss to wetlands in the County." Please provide a copy of the wetland permit and associated impacts map for staff to review.

A-118

Applicant Response: In accordance with wetland permits issued by the Virginia Department of Environmental Quality (DEQ) and the U.S. Army Corps of Engineers (COE) on July 8, 2009, the applicant is required to purchase 0.51 wetland credits from the Cedar Run Wetlands Bank in Prince William County, Virginia. This purchase satisfies compensatory mitigation requirements for impacts authorized to 0.01 acre of forested wetland, 0.42 acre of emergent wetland and 0.06 acre of isolated emergent wetland and 0.02 acre of open water. Additionally, all of the mitigation for stream impacts will be provided on-site through the preservation of streams and stream buffers.

Although the purchase of credits in the Cedar Run Wetlands Bank is a specific requirement of the DEQ and COE wetland permits, neither the DEQ nor COE have any involvement in the actual purchase of credits between the permitted and the wetland bank sponsor. Therefore, even if the respective permits were modified to transfer the purchase requirement to another bank, there is no requirement for the wetland bank sponsor to refund the money already spent by the permitted in securing the mitigation credits as currently required.

Wetland and stream impacts associated with the rezoning layout do not exactly match the wetland and stream impacts associated with the authorized DEQ and COE wetland permits. Further, it is anticipated that there will be reductions in impacts in certain locations throughout the property and an increase in impacts in others. This change in impact locations will require a modification of the DEQ and COE wetland permits. In such situations, it is commonplace for the DEQ and COE to credit wetland mitigation already purchased towards any new mitigation requirement for a particular project.

The applicant will use the previously purchased 0.51 wetland credits to offset any revised wetland mitigation requirement, but will purchase any additionally required mitigation credits resulting from the revised site layout from an approved wetland bank located within Loudoun County, if necessary and if approved by the DEQ and COE.

A copy of the combined DEQ/COE permit as well as a copy of the authorized wetland impact map is also attached for your reference.

8. Staff commends the applicant for including Proffer 34 (Building Standards), which requires all dwelling units to be constructed in conformance with the National Association of Homebuilders (NAHB) National Green Building Program Bronze Level standards. However, staff has concerns regarding the enforceability of the proffer. Staff recommends that the proffer include commitments to a pre-preliminary subdivision/construction plan meeting with county staff to review anticipated performance points; a provision to allow county staff to view verification report submitted to NAHB Research Center; and a surety that the County will release when certification is awarded, or once County staff verifies independently that the green building features have been completed. Said surety would need to be distinct from performance bonds required by the Facilities Standards Manual.

Applicant Response: *The applicant has agreed to a proffer to build according to a green building standard and certification sponsored by a large national organization, the NAHB. The intent of the proffer is for that organization to monitor for compliance with the standards of certification of that organization. The applicant can agree to provide the County with any information submitted to that organization for purposes of receiving certification, but not to having the County provide an independent verification of compliance or a surety guaranteeing compliance. The County enforcement of this proffer will be receiving evidence of the NAHB certification.*

**LOUDOUN COUNTY OFFICE OF TRANSPORTATION SERVICES (LOU MOSURAK,
11/19/2009)**

1. **Initial Staff Comment:** Further coordination with VDOT would be appropriate concerning VDOT Secondary Street Acceptance Requirements (SSAR) given the previous approvals and proffer contributions for this site. For reference, illustrations of both the approved and proposed road network on-site are provided as *Attachments 3 and 4*, respectively [in the first OTS referral]. It is noted that the development provides interparcel access to adjacent developments on both the north and south via approved or existing public streets and does not propose a new entrance onto Route 659.

Applicant's Response: *The applicant has met with VDOT along with OTS staff to coordinate VDOT review of this project.*

Issue Status: At that above-referenced October 15, 2009 meeting, VDOT noted that the applications were subject to the new (2009) Secondary Street Acceptance Requirements (SSAR), and the Applicant stated that the road network, as proposed, will meet these requirements both in terms of connectivity requirements and appropriate typical sections. The proposed typical road sections shown on the plan set (29-foot or 36-foot curb and gutter section, with 5-foot sidewalks on both sides) appear to comply with the SSAR requirements. OTS defers to VDOT for a final determination regarding SSAR compliance. Issue resolved pending VDOT confirmation.

Applicant Response: *The SSAR compliance information has been provided on Sheet 4 of the CDP.*

2. **Initial Staff Comment:** Further coordination with VDOT would be appropriate concerning the Chapter 527 traffic impact analysis regulations given the previous approvals and proffer contributions for this site.

A-120

Applicant's Response: *The applicant has met with VDOT along with OTS staff to coordinate VDOT review of this project. A Chapter 527 study is not required, and the applicant has submitted a letter to VDOT, as requested, stating that there are no changes to the traffic analysis as a result of the proposed revisions to the site layout and that the traffic analysis submitted for the approved rezoning remains valid.*

Issue Status: The referenced letter from the Applicant's consultant is provided as **Attachment 1**. OTS staff concurs with the letter's conclusion that the traffic study prepared in 2002 for the approved Belmont Glen—Rouse Property rezoning remains valid, and that a new study is not necessary. The letter is consistent with the discussion between OTS and VDOT staffs and the Applicant's representative at the above-referenced October 15, 2009 meeting. **Issue resolved.**

Applicant Response: *The comment is noted, but does not require a response.*

3. **Initial Staff Comment:** All previous transportation proffer obligations associated with ZMAP 2004-0006 (e.g., right-of-way dedication along Route 659, Route 659 multi-use trail construction along the site frontage, development phasing, etc) should be carried forward with these applications.

Applicant's Response: *These proffer obligations are carried forward in the draft proffer statement. However, the cash contributions for regional road purposes have already been fulfilled.*

Issue Status: OTS staff has reviewed the draft proffer statement and notes that all unfulfilled transportation-related proffers from the previously-approved rezoning are being carried forward with the current application. **Issue resolved.**

Applicant Response: *The comment is noted, but does not require a response.*

Conclusion

Subject to VDOT confirmation that the proposed public streets are consistent with the 2009 Secondary Street Acceptance Requirements (SSAR), OTS would have no objection to the approval of these applications.

Applicant Response: *The SSAR compliance information has been provided on Sheet 4 of the CDP.*

VIRGINIA DEPARTMENT OF TRANSPORTATION (RASHID SIRAJ, 11/16/2009)

1. Our previous Comment 1 has not been satisfactorily addressed. As stated all related design features including area types, connectivity index with computations, schematics, etc. should be provided on the plan. In addition projected traffic volume (ADT) at every intersection should be shown to verify the required width of typical section. (Preferably a road matrix showing name of roads, ADTs, widths of right-of-way and pavement.)

Applicant Response: *Since the proposed roads do not have names, the requested information has been provided on each road segment shown on Sheet 4 of the CDP rather than in a matrix.*

2. Our previous Comment 2 has not been satisfactorily addressed. The "Determination of Compliance" provided with the referral may be adequate in-lieu of the regular Chapter 527 Traffic Impact Analysis (TIA). However, previously accepted TIA along with the (agency) approval letter should also be submitted for documentation.

Applicant Response: *The previously accepted TIA was submitted to VDOT on January 22, 2009. The letter to VDOT accompanying this submittal is attached to this letter.*

**LOUDOUN COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY
MANAGEMENT (MARIA TAYLOR, 12/3/2009)**

Thank you for the opportunity to review the applicant's response to first referral comments dated September 24, 2009 regarding the above captioned applications. The fire-Rescue Planning Staff has no further comments.

Applicant Response: *The comment is acknowledged.*

LOUDOUN WATER (JULIE ATWELL, 12/3/2009)

Loudoun Water has reviewed the referenced application and offers no objection to its approval. Public water and sanitary sewer service would be contingent upon the developer's compliance with Loudoun Water's Statement of Policy; Rates, Rules and Regulations; and Design Standards.

Applicant Response: *The comment is acknowledged.*

**LOUDOUN COUNTY PARKS, RECREATION AND COMMUNITY SERVICES (BRIAN
FULLER, 11/24/2009)**

2. PRCS requests that the Applicant proffer signage within the "Future Public Passive Park" in Landbay C. This may include, but not be limited to, entrance signage, interpretive signage, and trail markers. The signage should meet PRCS standards at the time of installation.

Applicant Response: *The applicant is proffering a \$1,000 contribution to the County to install directional signage for the passive park.*

Issue Status: PRCS acknowledges the addition of Proffer 36 and appreciates the Applicant's contribution toward future park signage. However, Staff requests that the 2nd sentence of Proffer 36 be revised to state the contribution shall be paid at time of parkland dedication at County request, per Proffer 12.

Applicant Response: *Proffer 35 (formerly proffer 36) has been revised as recommended by staff.*

3. PRCS requests a revised entrance to Landbay C, to include a trailhead with vehicular parking in the vicinity of the future Loudoun Water Pump Station.

Applicant Response: *Since this is a single family residential community, it was never intended that Belmont Glen Village would provide vehicular access for members of the public to access the Goose Creek passive linear park. Rather, vehicular traffic could park and access the linear park from the Tillet park site to the south of the commercial portion of Goose Creek Village to the north. Pedestrian access is being provided to the general public from the Belmont Ridge Road trail via the access trail provided on the existing gravel roadway along the south side of Belmont Glen Village property to the pedestrian sidewalk network within Belmont Glen Village to the break between lots 184 and 185. The applicant will grant a public access to the County-owned parkland over the access driveway being constructed to access the stormwater management pond for maintenance.*

Issue Status: Staff notes the labels on the CDP and the revision of Proffer 16. However, please revise the 1st sentence, line 5, to refer to Proffer 11 above, not Proffer 12.

Furthermore, please revise the Proffer to state that a public access easement will be placed over the trail at the time of public parkland dedication, per (revised) Proffer 12.

Applicant Response: *Proffer 16 has been revised as recommended by staff.*

CONCLUSION:

Should the Applicant adequately revise the Proffers and resolve Comments 2 and 3, PRCS would not be opposed to approval of the application as presented.

Applicant Response: *The proffers have been revised in accordance with staff's recommendations.*

THE GOOSE CREEK SCENIC RIVER ADVISORY COMMITTEE (HELEN CASEY, 11/16/2009)

In response to your request for comments on this proposal, we feel that the applicant has complied with all the requests our Committee has made in respect to the protection of Goose Creek and its 300' scenic easement along the length of the property abutting the creek. We appreciate also their moving two lots out of the easement area.

Applicant Response: *The comment is acknowledged.*

Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH &
WALSH, P.C.



Christine Gleckner, AICP
Land Use Planner

Enclosure

cc: James Mobley, Bayshire, LLC
Rich Brittingham, Dewberry
Dan Lucey, WSSI
Kevin Sitzman, Wells and Associates

A-124



**WALSH COLUCCI
LUBELEY EMRICH
& WALSH PC**

Christine Gleckner, AICP
Land Use Planner
(571) 209-5776
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November 6, 2009

Via Hand Delivery

Michael Elabarger, Planner
Loudoun County Dept. of Planning
One Harrison Street, SE, 3rd floor
Leesburg, VA 20176

Re: Belmont Glen Village ZCPA 2009-0007 & ZMOD 2009-0004

Dear Mr. Elabarger:

This letter addresses and provides you with a written response to the referral agency comments in the above referenced application. For your convenience, each of the staff comments are stated below and the Applicant's responses follow in bold italics.

**LOUDOUN COUNTY DEPARTMENT OF PLANNING – COMMUNITY PLANNING
(KELLY WILLIAMS, 10/5/2009)**

ANALYSIS

A. LAND USE

The application proposes to maintain 196 single-family detached dwelling units at a density of 1.37 dwelling units per acre as previously approved in ZMAP 2004-0006. Further, this application is proposing an increase in the amount of open space provided from 92.3 acres to 96.9 acres.

The proposal is in compliance with the Land Use Mix policies of the Revised General Plan.

Applicant Response: The applicant concurs with this analysis.

B. EXISTING CONDITIONS

PHONE 703 737 3633 ■ FAX 703 737 3632 ■ WWW.THELANDLAWYERS.COM
1 E. MARKET STREET, THIRD FLOOR ■ LEESBURG, VA 20176-3014

ARLINGTON OFFICE 703 528 4700 ■ PRINCE WILLIAM OFFICE 703 680 4664

ATTORNEYS AT LAW

A-125

1. River and Stream Corridor

Belmont Glen Village is located within the Goose Creek watershed and includes river and stream corridor resources (Revised General Plan, Chapter 5, River and Stream Corridor Resources Map & Major and Sub-Watersheds Map). The Revised General Plan establishes stream corridor policies that reinforce the important role rivers and stream corridors play in protecting Loudoun County's water resources (Revised General Plan, Chapter 5, River and Stream Corridor Resources and Surface and Groundwater Resources, text). Stream corridor policies include the protection of rivers and streams, adjacent steep slopes, wetlands, forests, and historic, cultural and archeological resources within the floodplain, and a 50-foot management buffer adjacent to the floodplain and steep slopes (Revised General Plan, Chapter 5, River and Stream Corridor Resources, policy 2). Within the floodplain and 50-foot management buffer, uses are limited to activities that will support and enhance the biological integrity and health of the river and stream corridor, including passive and active recreation, road crossings, pervious paths and trails, and agricultural activities (Revised General Plan, Chapter 5, River and Stream Corridor Resources, policy 18).

This site is bounded by Goose Creek along the western portion of the property. Goose Creek in Loudoun County is designated as a "Scenic River" by the Commonwealth of Virginia and is further protected by Plan policy which calls for the establishment of a 300-foot no-build buffer wherever it exceeds the 50-foot management buffer (Revised General Plan, Chapter 5, Scenic Rivers and the Potomac River, policy 1). The Plan also recommends the voluntary establishment of a greenbelt along Goose Creek and its reservoir which extends 1,000 feet beyond the 300-foot no-build buffer (Revised General Plan, Chapter 6, Green Infrastructure Policy, policy 1).

It appears that the 300-foot Goose Creek Buffer as shown on the CDP includes the river and stream corridor elements, (floodplain, adjacent steep slopes, and the 50-foot management buffer) however, each element itself has not been delineated. The floodplain limits, adjacent steep slopes, and the 50-foot management buffer along with the 300-foot Goose Creek Buffer should be added to the CDP.

The original rezoning was approved with the all of the proposed 196 lots outside of the 300-foot no build buffer. While this proposal has moved most of the lots further away from the buffer, two lots now encroach within the buffer limits. In order to minimize impacts to the riparian corridor, staff recommends removing lots 170 and 171 from the buffer. The encroachment would result in impacts to existing forest cover and steep slopes adjacent to a jurisdictional stream. As stated on in the Plan, "riparian forests along streams provide the greatest single protection of water quality by filtering pollutants from stormwater runoff, decreasing stream bank erosion, and maintaining the physical, chemical, and biological condition of the stream environment" (Revised General Plan, Chapter 6, Forest, Trees and Vegetation, text).

Staff recommends that the two lots which encroach within the 300' no build buffer of Goose Creek be reconfigured to be located outside of the buffer and that all the features of the river and stream corridor (floodplain limits, steep floodplain, adjacent steep slopes, and the 50 foot management buffer) be delineated on the CDP.

Applicant Response: *The two lots now are located outside of both the 300-foot scenic and the 50-foot RSCOD management buffers. The floodplain line, adjacent steep slope areas, the 50-foot management buffer and the 300-foot scenic buffer are all delineated on the concept plan.*

2. Steep Slopes

The proposed CDP has provided additional information related to steep slopes which was not available at the time of the original rezoning approval. According to the plan submitted there are greater areas of moderately steep slopes and steep slopes than what was previously identified. Moderately steep slopes refer to areas with a 15%-25% grade. Steep slopes include areas greater than a 25% grade (*Revised General Plan, Chapter 5, Steep Slopes and Moderately Steep Slopes, text*). The hazards associated with the disturbance of steep and moderately steep slopes include erosion, building and/or road failure, and downstream flooding. For these reasons, the Plan calls for the County to prohibit land disturbance on steep slopes and special performance standards when developing on moderately steep slopes (*Revised General Plan, Chapter 5, Steep Slopes and Moderately Steep Slopes, policy 3*). "Standards will include best management practices, locational clearances for clearing and grading, and approval of natural drainageways" (*Revised General Plan, Chapter 5, Steep Slopes and Moderately Steep Slopes, policy 3*).

As stated in ERT's referral dated September 23, 2009, land disturbance associated with residential lots is not a permitted use on very steep slopes, per Section 5-1508(D)(1)(c) of the Revised 1993 Loudoun County Zoning Ordinance. Staff recommends reconfiguring the site to completely avoid very steep slopes or depict potential house, driveway, and limits of clearing and grading on those lots with very steep slopes to demonstrate that there is sufficient buildable area.

Staff recommends that the project be designed to minimize impacts to moderately steep slopes and that commitments be made to protect the steep slopes areas during construction activities. Staff further defers to the Building and Development Environmental Review team (ERT) for further technical review of this issue.

Applicant Response: *The steep slope areas are predominately located outside of the building areas of lots. The steep slopes shown on lots 170, 171 and 172 are manmade resulting from an old roadbed located on these proposed parcels.*

3. Wetlands

The County's Predictive Wetlands Model indicates that wetlands exist throughout the site. The County supports the federal goal of no net loss to wetlands (Revised General Plan, Chapter 5, River and Stream Corridor Resources, policy 23) and seeks to protect its green infrastructure elements and recapture elements where possible (Revised General Plan, Chapter 6, Green Infrastructure, text). Mitigating wetland and stream impacts close to the impact area will help maintain water quality and flood protection functions, as well as habitat. Potential wetlands have been identified on-site via the County's wetlands predictive model.

Staff recommends the proposed layout maximize protection of jurisdictional wetlands and streams, particularly the south-central wetland system. Staff recommends that the applicant commit to prioritizing any required wetland mitigation as follows: 1) on-site, 2) within the Goose Creek Watershed within the same Planning Policy Area, 3) within the Goose Creek Watershed outside the Planning Policy Area, and 4) Loudoun County, subject to approval by the Army Corp of Engineers and the Virginia Department of Environmental Quality (DEQ).

Applicant Response: *This property has already undergone extensive engineering and environmental analysis, and wetlands permits have been issued by the Army Corps of Engineers. To the extent the revised lay-out affects these permits and any other wetlands areas beyond what is currently permitted, the applicant agrees to provide mitigation either on-site or within Loudoun County.*

4. Stormwater Management

The Plan states that major water resource issues for the County include protecting groundwater and surface water (i.e., streams and wetlands) from contamination and pollution as well as preventing the degradation of water quality in watersheds (Revised General Plan, Chapter 5, Surface and Groundwater, text). The Plan promotes the use of low impact development (LID) techniques, which integrate hydrologically functional designs with methods for preventing pollution (Revised General Plan, Chapter 5, Surface and Groundwater policy 2). LID uses natural vegetation and small-scale treatment systems to treat and infiltrate rainfall close to the source and can include permeable paving, vegetative buffer or filter strips, and the collection and use of rooftop run-off for irrigation and green roofs.

According to the statement of justification, the elimination of alleys and the revised street design will result in approximately 1.2 acres of impervious surface on the property. It appears that the application is proposing to provide a regional pond rather than using LID standards as approved and proffered in the original rezoning as the LID BMPs have been removed from this plan.

Staff recommends that the application should include a consistent SWM/BMP approach. Providing additional low impact development facilities throughout the site may also help to meet the FSM Reservoir Protection Requirements which requires a reduction in pollutant load consistent with an average land cover condition of 10 percent impervious cover.

Applicant Response: *The approved construction plans for the current approved lay-out meet all stormwater management requirements and were approved as a result of extensive review by County environmental staff. The concept development plan, however, has identified three potential sites for LID facilities to be determined at the time of construction plan approval for the revised lay-out.*

5. Sustainable and Energy Efficient Design

The County encourages development that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other negative impacts (Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principle 12, pg.

Staff recommends that the Applicant commit to incorporating sustainable and energy efficient design and construction principles during the development of this project.

Applicant Response: *The applicant is committing to construct the units according to the National Association of Homebuilders (NAHB) National Green Building Program bronze level certification, which is indicated in the draft proffers.*

C. SITE DESIGN

The Revised General Plan states that Residential Neighborhoods should have a variety of housing types and lot sizes, and they are to be developed in accordance with design guidelines and performance standards for efficient site layout, a pedestrian-friendly scale, adequate open space (active, passive, and natural), and the protection and incorporation of the Green Infrastructure.

Design guidelines included in the implementation section of the Revised General Plan outline key design features to be addressed in these developments (Revised General Plan, Chapter 6, Residential Neighborhood Policies, policy 4). The Revised General Plan states that Residential Neighborhoods will exhibit the following design characteristics desired by the County:

- Compact site layout to reduce trips within the neighborhood, facilitate alternative forms of transportation, preserve the Green Infrastructure, and result in reduced transportation and utilities infrastructure costs;
- Pedestrian-scale streetscape including such features as street trees, sidewalks along all street frontage, and street lighting;
- A predominantly interconnected street pattern with inter-parcel connections;
- A combination of neighborhood parks, squares, and greens located throughout the neighborhood within 1500 feet of all residences, and a formal civic square or other public space located in conjunction with a civic facility, Neighborhood Center, or other use, to create a focal point for the community;

- The location of public and civic uses such as churches and community centers in prominent sites to act as landmarks within the neighborhood; and,
- A variety of lot sizes (Revised General Plan, Chapter 6, Residential Neighborhood Policies, Policy 4).

This application is proposing to change the design of the site from a traditional design pattern to a more suburban design pattern. In accordance with Plan policy, residential design elements as outlined above are more traditional in nature where it encourages interconnected streets, pedestrian circulation and convenient public and civic uses. This application proposes to eliminate the rear alleys and grid street pattern and to use cul-de-sacs which are representative of a more suburban style development pattern.

The applicant has stated that the change in design results in the protection of environmental features, and preserving permanent open space and the environmental integrity of the property. As stated in the Plan "In some circumstances the use of cul-de-sacs and curvilinear streets will be essential in order to implement conservation design." (Revised General Plan, Chapter 6, Design Guidelines, Residential Neighborhoods, Streetscape, text). They should be used to the minimum required to address environmental and engineering concerns.

It appears that the development envelope of the site is very similar to that of the original rezoning approval, therefore more information as to the location of the additional protected environmental features should be provided in order to justify the change to the layout of the pedestrian and road network to a more suburban style of development. The original design of this project was more in keeping with Plan policy than the proposed design.

Several design elements could be added to this application to better incorporate the design objectives of the Plan for a residential community. They are as follows:

- The layout of the site could provide more connectivity for pedestrians such as sidewalks on both sides of the street;
- Better pedestrian connections to the community center/pool, particularly between lots 163-164 and 120-121;
- Front loaded garages set back from the front of the homes; and,
- Pedestrian-scale streetscape including such features as street trees, benches, and street lighting.

Staff recommends that the applicant provide additional information and justification as to why the change in site design better implements the Plan's objectives for this community with respect to environmental features which may not have been protected in the original development's design. Staff further recommends that design elements, such as outlined above, be incorporated in the design to create a development that exhibits a more traditional development pattern.

Applicant Response: *The applicant enumerated the reasons why the revised site design better implements the Revised General Plan's objectives with respect to environmental features as compared with the approved concept plan for the property in the Statement of Justification, which is included as follows:*

"The revised concept plan, which works better with the existing grades on the property, offers many advantages over the approved concept plan lay-out, outlined as follows:

- The proposed design is more consistent with the existing topography resulting in less overall earthwork and existing landform modification.*
- The more efficient lay-out reduces infrastructure needs including reduced road lengths, site utilities, elimination of alleys, less need for retaining walls, and, when needed, smaller retaining walls, and a potential decrease in wetland impacts.*
- By following the topography, the pedestrian network will be more user friendly, especially in terms of ADA accessibility, with less steep grades encountered in the pedestrian system.*
- As a result of eliminating the alleys and a more efficient street lay-out, there is a 5.2 acre reduction of the impervious surface on the property, an increase in the pervious area on individual lots, and an overall increase in the open space on the property.*
- The central community open space has increased nearly two acres in area from 1.8 acres to 3.6 acres, while the significant open space area preserved along Goose Creek remains unaffected.*
- These elements also potentially lead to a decrease in the stormwater management requirements, thereby allowing for increased opportunities to use low impact design techniques.*
- Together, these features result in a "greener community" design.*
- The costs of home construction also are reduced as a result of the revised lay-out, resulting in a more-cost efficient home to the consumer.*
- Along with the advantages of the revised lay-out listed above, there will be no detrimental effects to the County as a result of the proposed ZCPA, since the existing proffers will be essentially maintained and there will be no increase in the number of dwelling units."*

Additionally, the applicant is now providing sidewalks on both sides of the street and is willing to provide streetscape features such as street trees (on lots, not within the right-of-way) and street lighting at intersections. Pedestrian connections have been added to the community center/pool area between lots 162-163 and 121-122.

D. PEDESTRIAN AND BICYCLE LINKAGE

The County is committed to establishing an integrated trails system for pedestrians and cyclists, and will work to establish connections among pedestrian and bicycle sidewalks, paths, and trails (*Revised General Plan, Chapter 5, Greenways and Trails, text*). All development proposals need to include pedestrian and bicycle design and a development program that is consistent with national guidelines, including the AASHTO Guide for the Development of Bicycle Facilities, the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and the Loudoun County Bicycle and Pedestrian Facility Design Toolkit (*Bike/Ped Plan, Transportation Project Development Policies, policy 2*). Regarding internal pedestrian connections, five foot wide sidewalks on both sides of the street should be provided, consistent with the Bike/Ped Plan (*Bike/Ped Plan, Walkway & Sidewalk Policies, policy 2a*).

Staff recommends that sidewalks be provided on both sides of the street to fully implement the policies of the Bike/Ped Plan. Further, staff recommends that in order to access the community center, a pedestrian access be established between lots 163-164 and 120-121.

Applicant Response: Sidewalks are being provided on both sides of the street, and pedestrian access has been established between lots 163-164 and 121-122. Two pedestrian access points are being provided to the open space area along Goose Creek, and a six-foot trail is being provided through the centrally located village green open space. A natural surface trail is being provided between the Belmont Ridge Road trail and Fairhunt Drive.

E. UNMET HOUSING NEEDS

On September 18, 2007, the Board of Supervisors adopted revised housing policies that recognize that unmet housing needs occur across a broad segment of the County's income spectrum and promote housing options for all people who live and/or work in Loudoun County (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Chapter 2, Housing text*). Unmet housing needs are defined as the lack of housing options for households earning up to 100% of the Washington Metropolitan Area Median Income (AMI, \$99,000 for 2008) (*Revised General Plan, Glossary and CPAM 2007-0001, Countywide Housing Policies, Guiding Principles, policy 2*). Developers of residential and mixed-use projects are encouraged to include funding commitments and proffers to fulfill unmet housing needs in their development proposals (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Funding Policies, policy 1*).

The County encourages each development proposal that includes a residential component to address unmet housing needs recognizing that the largest segment of unmet needs is housing for incomes below 30% (Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principles, policy 14). Plan policies encourage the development of housing for special needs populations (low income residents, elderly residents requiring congregate care, disabled residents and the homeless) as well as the application of universal design principles (Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principles, policies 8 and 11).

Staff recommends a commitment that addresses the full spectrum of unmet housing needs up to 100% of the AMI, recognizing that the largest segment of unmet housing needs is housing for incomes below 30% of the AMI. Staff also encourages the Applicant to consider incorporating housing for special needs populations as well as universal design principles into the project.

Applicant Response: *The applicant is willing to proffer \$500 per unit toward unmet housing needs pursuant to current Revised General Plan policies.*

F. CAPITAL FACILITIES

Under the Revised General Plan, all residential rezoning requests will be evaluated in accordance with the Capital Facility policies of the Plan (Revised General Plan, Chapter 3, Proffer Policies, policy 3). The Revised General Plan calls for capital facilities contributions valued at 100 percent of capital facility costs per dwelling unit at densities above the specified base density (Revised General Plan, Proffer Guidelines, Capital Facilities, policy 1).

The application is proposing no changes in residential acreage, unit number, unit type or density with this application, therefore the previously proffered capital facilities contribution of \$5,793.23 per unit as specified in the previously approved proffers of ZMAP 2004-0006 shall be retained.

Applicant Response: *Comment noted. Since the per unit amount appears to be low, the applicant would like to point out that the prior rezoning of the property was for a modest increase in density from 143 units by-right to 196 total units. Therefore, the capital facilities proffer applied to only 53 units. That amount was spread over the entire 196 units for actual payment, as is the customary payment methodology for the capital facilities proffer.*

G. OPEN SPACE PRESERVATION PROGRAM

To achieve higher density housing, "the Board of Supervisors anticipates evidence of participation in the Open Space Preservation Program". "Land contribution on an acre-by-acre basis is desired. However, if the land offered does not suit the County in terms of quality or location, the County may consider cash in lieu of the land for the purchase of open space. The County anticipates that cash donations for open space will be spent in the Suburban Community in which the increased density is granted" (Revised General Plan, Chapter 11, Proffer Guidelines, Open Space, policy 3). Contributions should be provided to enable the County to purchase Suburban Policy Area open space to offset the density proposed by the development.

A-133

The application has been revised and is proposing no changes in residential acreage, unit number, unit type or density with this application, therefore the previously proffered open space shall be retained.

Applicant Response: *The proposed site lay-out retains two-thirds of the property as open space, as does the original rezoning lay-out.*

MODIFICATIONS

The applicant is also requesting a several Zoning Ordinance Modifications (ZMODs) for the proposed project relating to Affordable Dwelling Units (ADUs), buffer requirements for lots 37-40 and lots 48-51, and the height restriction for lot 40. These modifications are comparable and consistent with those approved in the original rezoning.

Staff has no issues with the proposed zoning modifications.

Applicant Response: *Comment noted. Due to a revision in the lay-out, the buffer modification request no longer applies to lot 40 and the building height modification request has been withdrawn.*

RECOMMENDATION

This proposal is consistent with the land use policies of the Revised General Plan for the development of residential uses in this location. However, staff is not able to fully evaluate the proposal until such time as the issues outlined in this referral related to the 300-foot Goose Creek no build buffer, steep slopes and wetlands, site design of the street layout and pedestrian circulation network and unmet housing needs have been addressed.

Applicant Response: *The buffers, steep slope, wetlands, pedestrian circulation and unmet housing needs comments have been addressed in this response letter and on the revised concept plan and draft proffers.*

LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT – ZONING ADMINISTRATION (VAL THOMAS, 9/25/2009)

- 1. Modification of required buffer adjacent to residential development, R-8 (Single-Family Residential) Zoning District, § 3-509(C), Additional Development Standards – Minimum Buffer.**

Section 4-109(C) Site Planning, External Relationships – Uses adjacent to single-family, agricultural, or residential districts or land bays allowing residential uses.

Proposed Modification – Along the boundary that adjoins the Goose Creek Preserve property to the northeast, the applicant proposes to provide:

A minimum 25-foot permanent open space buffer along lot 37, a lot containing a minimum of 10,000 square feet;

A minimum 30-foot permanent open space buffer along lots 48-51, lots containing a minimum of 9,000 square feet;

A 25-foot rear yard along lots 38 and 39, lots containing a minimum of 7,500 square feet;

A six-foot side yard along lot 40, a lot containing 6,000 square feet.

Applicant's Justification – The Applicant notes that the adjacent Goose Creek Preserve property is zoned PD-H4, at a higher density than Belmont Glen and has no required minimum lot size. Both properties propose single family detached units along the common property boundary and Goose Creek Preserve is providing an open space buffer along the common boundary with Belmont Glen Village. This open space buffer is wooded with mature stand of trees.

Staff Response – The public purpose of the 50-foot buffer requirement is to provide a visual separation between two zoning districts or residential land bays with potentially dissimilar lot sizes and to provide protection of the development from potentially adverse influences. While Staff does not believe that the development provides for an innovative design, the open space buffer provided on the adjacent development, the minimum required rear yard setback and reduced open space buffer on these few lots serves the required visual separation of the Ordinance. Further, the development is proposed to locate in close proximity to the Goose Creek Preserve property thus maximizing the open space buffer along Goose Creek (67% of the site will be maintained as open space). It should be noted however that the modification to provide a 25 foot rear yard along lots 38 and 39 is more a modification to eliminate the buffer requirement on these lots, since the 25-foot rear yard is required in addition to the 50 foot permanent open space buffer by the Zoning Ordinance. Staff notes that no buffer yard is illustrated on the CDP for any section of the development and asks that the Applicant depicts and label the buffer yard on the CDP (whether providing the required 50 feet or a reduction thereof) before Staff can support this modification.

Applicant Response: *The buffer yards have been depicted and labeled on the revised CDP.*

It should be noted that the side yards are regulated by a separate section of the R-8 Zoning District (Section 3-506(C)(1)(b)) and therefore a proposed reduction of the side yard to 6 feet for Lot 40 should be requested as a modification of this section separately.

Applicant Response: *Lot 40 has been moved to the prior open space area between lots 154 and 155. As a result, there no longer is the need for the suggested side yard modification, and the height restriction modification for lot 40 has been withdrawn.*

2. **Modification of height limitation at the edge of PD-H district PD-H (Planned Development-Housing) Zoning District, § 4-109(E) Site Planning, External Relationships – Height limitations at edges of PD-H districts.**

Proposed Modification - Request modification that the imaginary plane at the edge of the PD-H district shall not apply to lot 40.

Applicant's Justification – The Applicant notes that the Goose Creek Preserve development is providing a minimum 90 foot open space buffer adjacent to lot 40. The open space buffer is wooded with mature stand of trees, providing ample visual separation between the two neighborhoods.

Staff comment- The maximum building height permitted in the R-8 zoning district for single family detached units is 40 feet. The 90 foot open space buffer provided in the Goose Creek Preserve development in addition to the minimum required yard will provide for at least 106 feet building distance between the two developments which have similar zoning and uses proposed adjacent to each other. Staff however, asks the Applicant to provide the required additional side yard setback of lot 40 in order to meet the height limitation at the edge of the district (property) before staff can support this modification. The diagram on Sheet 7 is incorrect as it depicts the imaginary plane angle from the property line and rear yard, instead of the property line and side yard. The Applicant has noted on Sheet 7 that for proposed lots 38, 39, 49 and 50, drawings will be submitted with the zoning permits for the referenced lots to demonstrate conformance with Section 4-109(E) of the Ordinance. Staff recommends that this be included in the proffer statement.

Applicant Response: *Lot 40 has been moved to the prior open space area between lots 154 and 155. As a result, there no longer is the need for the suggested side yard modification, and the height restriction modification for lot 40 has been withdrawn. The draft proffers includes the note from sheet 7 to provide drawings at the time of zoning permit issuance for lots 38, 39, 49 and 50.*

3. Modification of ADU Requirements to permit cash in lieu of units, § 7-103(A)(1) Single Family Detached and Single Family Attached Units.

Proposed Modification - Request modification to permit cash buyout in lieu of the required Affordable Dwelling Units (ADUs), pursuant to Section 7-108(A)(3), which states as follows:

... any request for rezoning, special exception, or preliminary subdivision (by right) which contains only single family detached units, a modification may be requested to provide cash in lieu of the units. Such cash must be paid prior to the first zoning permit. In the event that an applicant requests a modification to make such cash payment, the following criteria shall apply:

- (a) The cash formula of Section 7-108(E) shall apply.
- (b) The decision to pay cash in lieu of providing the units has to be made at the time of approval of rezoning, special exception or preliminary subdivision (by right), as applicable.
- (c) No bonus density is to be granted for a development, when an applicant opts to provide cash in lieu of units.
- (d) The district regulations of Article VII shall not apply to a development when an applicant opts to provide cash in lieu of units.

Applicant's Justification – The Applicant notes that the proposed application is an amendment to ZMAP 2002-0007 and adopted as ZMAP 2004-0006 as part of a court settlement of the original rezoning application. The proposed application is seeking to retain the proffers and applicable modifications that were adopted under ZMAP 2004-0006, and this modification is identical to the modification approved under ZMAP 2004-0006.

Staff comment- The original application ZMAP 2002-0007 fully complied with all Zoning Ordinance provisions, including Article VII governing affordable dwelling unit developments and included a cash buy-out of the affordable dwelling units for 6.25% of the total units payable to the County prior to issuance of the first zoning permit on the property. ZMAP 2004-0006 was adopted with the same modification. The cash buy-out included in the approved proffers meets the cash formula of Section 7-108(E) in effect on December 1, 2003. The original modification was granted as part of the rezoning application constituting all single-family detached dwelling units. No bonus density was approved for this application and the Article VII district regulations were not used. It should also be noted that the Modification Subcommittee of the Affordable Dwelling Unit Advisory Board (ADUAB) as well as the full ADUAB recommended approval at the time of the rezoning, as did staff. Staff therefore supports this modification.

Applicant Response: *Comment noted.*

III. PROFFER STATEMENT:

1. The Applicant has not provided any proffers to date. If the proffers approved with ZMAP 2004-0006 are proposed to be revised, then they must be submitted as part of the Applicant's response to the first written review of the issues.

Applicant Response: *Draft proffers have been included with this submission.*

2. If proffers are submitted, Staff recommends that, for the purpose of future interpretation, administration and enforcement, each proffer should be written to specifically and clearly communicate: 1) the intent of the proffer; 2) who is responsible for fulfilling the proffer; 3) what is being proffered; 4) where the proffer applies; and 5) when the proffer is to be initiated and completed.

Applicant Response: *The draft proffers follow these guidelines.*

3. Staff asks the Applicant to clarify any new proffers, deletion or revision of existing proffers etc.

Applicant Response: *The draft proffers have been formatted to reflect new proffers, deleted proffers and revisions of existing proffers.*

IV. OTHERS:

1. A 50 foot permanent open space buffer is required between land bays pursuant to Section 3-509(C) and 4-110(I). The Applicant may either provide this buffer or request a modification of the requirement.

Applicant Response: *The applicant has eliminated the land bays from the concept plan, which means this requirement no longer applies.*

2. It is not clear why the Applicant is proposing 3 different land bays (A, B & C) when only single family detached units are proposed in the development. Clarify.

Applicant Response: *The applicant agrees with staff and has eliminated the land bays from the concept plan.*

3. On the Cover Sheet, include the Land Development Application number, ZCPA 2009-0007 & ZMOD 2009-0004.

Applicant Response: *The cover sheet has been revised to include the application numbers.*

4. It appears that proposed Land Bay B consists of two sections that are not connected to each other. Clarify.

Applicant Response: *The applicant has eliminated the land bays from the concept plan, so this comment no longer is pertinent.*

5. The property contains areas of moderately steep slopes and very steep slopes. Include a note on the Cover Sheet that development of the property will comply with Section 5-1508 of the Zoning Ordinance.

Applicant Response: *The recommended note has been added as note 27 on the cover sheet.*

6. On Sheet 6, please remove the reference to Section 4-2005 of the Ordinance, as this is no longer part of the Zoning Ordinance.

Applicant Response: *Sheet 6 has been revised as recommended.*

7. On the CDP (Sheet 3), depict and label the 6 foot wide trail as approved with ZMAP 2004-0006. Further, depict and label all sidewalks.

Applicant Response: *Sheet 3 has been revised, but the pedestrian circulation plan is shown on Sheet 4. Due to environmental impacts, not all trail connections approved with ZMAP 2004-0006 have been retained in the proposed CDP. However, sidewalks are being provided on both sides of the street, and pedestrian access has been established between lots 163-164 and 121-122 in response to the Community Planning suggestion. Two pedestrian access points are being provided to the open space area along Goose Creek, and a six-foot trail is being provided through the centrally located village green open space. A natural surface trail is being provided between the Belmont Ridge Road trail and Fairhunt Drive.*

8. On the CDP (Sheet 3), label the active recreation/village green/swimming pool.

Applicant Response: *Sheet 3 has been revised as recommended.*

9. Depict and label the minimum required 50 foot buffer adjacent to Belmont Glen to the south.

Applicant Response: *The buffer adjacent to Belmont Glen to the south has been added to the concept plan.*

LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT (WILL HIMEL, 9/21/2009)

1. On sheet 1 of the plat, it is recommended that in Note 23 specific schools not be listed, as these will likely change. Alternately, a revision of the note reading "the property is proposed to be served by the following public facilities:" or similar is recommended.

Applicant Response: *Since the application checklist requires this information on the concept plan, the note has been revised to reflect that school attendance boundaries are subject to change.*

2. Throughout the plat the label for Goose Creek is small: it is recommended that this be increased in size.

Applicant Response: *The Goose Creek label has been revised as recommended.*

3. Throughout the plat Staff recommends numbering of otherwise identifying each of the individual open space parcels [ex.: A, B, C, etc.].

Applicant Response: *The open space parcels have been given identifying labels as recommended.*

4. On sheet 3 and elsewhere on the plat, there is a parcel adjacent to proposed Lot 39 that is not labeled but would appear to be open space. It is recommended that this be reviewed and revised as needed.

Applicant Response: *The open space parcel adjacent to lot 39 has been labeled as recommended.*

5. On sheet 2 of the Statement of Justification, at the end of Line 3 under Project Summary, please revise the spelling of 'singe' to single.

Applicant Response: *The Statement of Justification has been revised to correct the spelling error.*

LOUDOUN COUNTY DEPARTMENT OF BUILDING AND DEVELOPMENT – ENVIRONMENTAL REVIEW TEAM (TODD TAYLOR, 9/23/2009)

Regarding stream buffers

1. Sheets 2, 3, and 6 identifies a "300' Goose Creek Scenic Easement". The legend on sheets 2 and 6 states that it "includes the greater and cumulative width of the 100' minimum protected stream corridor width, measured 100' from the Goose Creek 100-year floodplain and the 300-foot Scenic Goose Creek Buffer, per Section 4-2005 A and B of the Revised 1993 Loudoun County Zoning Ordinance (Revised 1993 LCZO)". Please note that the referenced section is no longer part of the Revised 1993 LCZO. However, the buffers remain applicable through Facilities Standards Manual (FSM) requirements and Revised General Plan (RGP) policies. Staff recommends replacing the source information in the legend with the following:
 - 300-foot Reservoir Protection Buffer per FSM Section 5.320.D.7.a and RGP Surface Water Policy 10
 - River and Stream Corridor 50-foot Management Buffer surrounding the floodplain and adjacent steep slopes (slopes 25 percent or greater, starting within 50 feet of the floodplain and extending no farther than 100 feet beyond the floodplain) per RGP River and Stream Corridor Policy 2

Applicant Response: *The source information on the legend on Sheet 2 has been revised as recommended.*

2. For clarity, please identify the 300-foot Reservoir Protection Buffer and River and Stream Corridor 50-foot Management Buffer independently in plan view. [FSM Section 5.320.D.7.a, RGP Surface Water Policy 10, and RGP River and Stream Corridor Policy 2]

Applicant Response: *Both of these buffers have been depicted and labeled separately on the revised concept plan.*

3. To minimize impacts to the riparian corridor, staff recommends removing lots 170 and 171 from the River and Stream Corridor 50-foot Management Buffer. The encroachment would result in impacts to existing forest cover and steep slopes adjacent to a jurisdictional stream. As stated on Page 5-32 of the RGP, "riparian forests along streams provide the greatest single protection of water quality by filtering pollutants from stormwater runoff, decreasing stream bank erosion, and maintaining the physical, chemical, and biological condition of the stream environment".

Applicant Response: *Lots 170 and 171 have been removed from the fifty-foot management buffer.*

Regarding steep slopes

4. Please add a note to Sheet 1 indicating the basis for the steep slope designations (i.e. Steep Slopes are derived from 2-foot topography). [Revised 1993 LCZO Sections 5-1508 and 6-407]

Applicant Response: Sheet 1 has been revised as recommended with the addition of Note 27.

5. Staff notes that the steep slope limits provided on the rezoning plan set differ from the steep slope limits provided on preliminary subdivision SBPL-2004-0026. Please clarify. [Revised 1993 LCZO Sections 5-1508 and 6-407]

Applicant Response: On the prior plans, steep slope areas less than 5,000 square feet in area were not required to be shown. These areas have been added to this plan to conform to current requirements.

6. Please add moderately steep slopes to Sheet 6. [ZCPA Checklist Item J.2]

Applicant Response: Sheet 6 has been revised as recommended.

7. To demonstrate compliance with the Steep Slope Standards in Section 5-1508 of the Revised 1993 LCZO, staff recommends providing a steep slope exhibit on a separate plan sheet at a 1 inch equals 100 feet scale. The exhibit should include very steep slopes (greater than 25 percent), moderately steep slopes (15 to 25 percent), topography, jurisdictional wetlands and streams, drains, forest cover limits, and the development layout, including roads, lots, stormwater management (SWM)/best management practice (BMP) facilities, and utilities. [ZCPA Checklist Item J.2]

Applicant Response: Sheet 6 is now displayed at a scale of one inch equals 100 feet.

8. The road providing access to lots 19-39 crosses a small area of very steep slopes. The crossing was approved as part of SBPL-2004-0026 based on an agreement to use a con-span crossing. A letter dated January 27, 2006, from J. Randall Minchew with Walsh, Colucci, Lubeley, Emruch, & Terpak, P.C., was submitted to the County describing the crossing. In addition, the approved preliminary subdivision plan clearly depicted the con-span crossing and associated abutments. Staff recommends that the con-span crossing and abutments be clearly depicted on the rezoning plan set, including the steep slope exhibit described above. The abutments should be clearly outside of the very steep slope area. As an alternative that better protects the steep slopes along this drainage corridor and avoids higher costs associated with bridge construction, staff recommends that the applicant fully explore accessing the lots via an inter-parcel connection with the property to the east.

Applicant Response: The applicant acknowledges that the preliminary subdivision and construction plans for the revised lay-out will require a con-span crossing to access lots 19-39. The proposed con-span and abutments are shown on the steep slope /road crossing enlargement on Sheet 7.

9. Land disturbance associated with residential lots is not a permitted use on very steep slopes, per Section 5-1508(D)(1)(c) of the Revised 1993 LCZO. Revise lots to completely avoid very steep slopes or depict potential house, driveway, and limits of clearing and grading on those lots with very steep slopes to demonstrate that there is sufficient buildable area.

Applicant Response: *Most lots have been removed from steep slope areas, with a few exceptions of isolated small (less than 5,000 square feet) areas containing steep slopes. Lots where these occur, the house, driveway and limits of clearing and grading have been depicted in detail on Sheet 7.*

10. Very steep slopes are depicted on lots 170 and 173. According to SBPL-2004-0026, the steep slopes are associated with an old road bed. If that is accurate, please label the very steep slopes as "man-made - associated with an old road bed" on the rezoning plan set, including the steep slope exhibit described above. Staff plans to conduct a site visit to confirm the conditions.

Applicant Response: *These steep slopes are associated with an old road bed, and the concept plan has been labeled as such, as recommended.*

Regarding water quality

11. The subject property is located in the Goose Creek Reservoir Protection Area and is subject to the standards in FSM Section 5.320.D.7.b, including a reduction in pollutant load consistent with an average land cover condition of 10 percent impervious cover. Please provide a note on the plat referring to the standards outlined in FSM 5.320.D.7.b.

Applicant Response: *The note has been added as Note 28 to Sheet 1 as recommended.*

12. FSM Section 5.320.D.7.b.iv requires all storm drainage inlet structures to be marked to indicate that they drain to a drinking water supply and that no dumping into such inlet structures is permitted. Please update existing Proffer 22 to be consistent with the FSM requirement.

Applicant Response: *The proffer has been deleted, since this provision is now an FSM requirement and is no longer necessary as a proffer.*

13. While seven "Low-Impact BMPs" were shown on the plan set associated with rezoning ZMAP-2004-0006, only one stormwater management (SWM) pond is depicted on the current rezoning plan set. In addition, existing Proffer 29 indicates that the owner will conform with the standards and procedures outlined in the "Preliminary Recommendations for Belmont Glen/Rouse Property", prepared by Loudoun County Sanitation Authority, which recommends the use of low impact development and, specifically, bioretention on the property. Consistent with this commitment, the previously approved preliminary subdivision and construction plans and profiles incorporated low impact development facilities within the project. Staff recommends that a consistent SWM/BMP approach be provided with the current rezoning application. Providing additional low impact development facilities up in the site may also help to meet the FSM Reservoir Protection Requirements.

Applicant Response: *The approved construction plans for the current approved lay-out meet all stormwater management requirements and were approved as a result of extensive review by County environmental staff. The concept development plan, however, has identified three potential sites for LID facilities to be determined at the time of construction plan approval for the revised lay-out.*

14. Existing Proffer 19 states that the applicant shall re-stabilize any areas within the 300-foot scenic easement that show erosion impacts and that are degraded. The proffer goes on to state that re-stabilization techniques may include replanting and the use of erosion control devices. At the time of the preliminary subdivision review, staff found that the intent of this section of the proffer was unclear and difficult to achieve due to existing tree cover in areas that show erosion impacts as well as Corps and DEQ requirements. Maintaining the overall intent to protect water quality, staff recommends replacing the re-stabilization commitment with reforesting open areas within the 300-foot buffer.

Applicant Response: *Parks and Recreation staff is not interested in maintaining trees within the area being dedicated to the County for parkland. Therefore, the applicant is implementing the recommendation to replace the restabilization commitment with reforesting open space areas on the HOA-owned portions of the open space areas.*

Other

15. Staff recommends adjusting the proposed layout to maximize protection of jurisdictional wetlands and streams, particularly the south-central wetland system, consistent with Revised General Plan (RGP) River and Stream Corridor Policy 11. Staff also emphasizes the importance of mitigating wetland and stream impacts close to the impact area to help maintain water quality and flood protection functions, as well as habitat. As such, for any necessary mitigation, staff recommends that the applicant commit to prioritizing mitigation as follows: 1) onsite, 2) within the Goose Creek Watershed within the same Planning Policy Area, 3) within the Goose Creek Watershed outside the Planning Policy Area, and 4) Loudoun County, subject to approval by the Corps and the Virginia Department of Environmental Quality (DEQ). This approach is consistent with Policy 23 on Page 5-11 of the RGP which states that "the County will support the federal goal of no net loss to wetlands in the County." Furthermore, the County's strategy is to protect its existing green infrastructure elements and to recapture elements where possible [RGP, Page 6-8, Green Infrastructure Text].

Applicant Response: *This property has already undergone extensive engineering and environmental analysis, and wetlands permits have been issued by the Army Corps of Engineers. To the extent the revised lay-out affects these permits and any other wetlands areas, the applicant agrees to provide mitigation either on-site or within Loudoun County.*

16. Staff encourages implementation of green building standards within this application. Guiding Principle Policy 12 of CPAM-2007-0001 states that "The County encourages development that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other negative environmental impacts." Accordingly, staff recommends a green building commitment with this application that takes advantage of available third party standards for homes, including Passive House, National Association of Home Building standards, EarthCraft Virginia, or Leadership in Energy and Environmental Design. At a minimum, staff recommends a commitment to Energy Star certification for all homes; construction waste management that diverts at least 50 percent (by weight) of construction, demolition, and landclearing (CDL) waste from landfills; installation of Energy Star and/or Water Sense appliances and fixtures in all homes; and an education program about these features for homeowners that includes an owner's manual and new resident orientation. Note that Energy Star Certification for homes can lead to more desirable home mortgages pursued by future buyers, which is consistent with the advantages of the revised concept plan listed in the statement of justification, "greener community" and "more-cost efficient home".

Applicant Response: *The applicant has included a proffer to construct the units according to the National Association of Homebuilders (NAHB) Green Building Program bronze level certification.*

17. Staff recommends that the applicant coordinate with the City of Fairfax regarding the established Emergency Action Plan for the Beaverdam Reservoir to identify whether or not the proposed lots fall within the predicted breach flood zone and if they should be added into the Emergency Action Plan.

Applicant Response: *The applicant's engineer has contacted the City of Fairfax and learned that the dam breach analysis will not be completed until summer of 2010. The City of Fairfax engineers have been alerted to consider the effects on this project.*

LOUDOUN WATER (JULIE ATWELL, 9/29/2009)

Loudoun Water has reviewed the referenced referral application and offers the following comments:

- Provide either open space between lots 191 & 192 for the sanitary sewer (as previously proposed) or 30' easement for the sanitary sewer as it traverses the lots.

Applicant Response: *An easement will be provided on lots 191 & 192, as shown on Sheet 5 of the concept plan, for the sanitary sewer as recommended.*

- Provide Loudoun Water with an updated/revised water model prior to submission of revisions to the approved site plan.

Applicant Response: *Comment acknowledged.*

- Loudoun Water might require that water main be extended from the cul-de-sac ending near lot 169 to Fairhunt Drive, this will be determined upon review of the updated water model and the revised site plan.

Applicant Response: *The applicant is accommodating this, and a connection will be provided between lots 121/122 and 162/163, as shown on Sheet 5 of the concept plan.*

LOUDOUN COUNTY DEPARTMENT OF FIRE, RESCUE AND EMERGENCY MANAGEMENT (MARIA TAYLOR, 9/24/2009)

The Planning Staff in agreement with the Fire Marshal's office is not opposed to the zoning modifications as requested. Although the Applicant stated that development will be restricted to no more than 31 units until access is provided through the Goose Creek Estates property Staff is concerned with the limited access available to the site. Staff respectfully requests information regarding the timing of the construction of the second access point and a brief summary of the proposed internal road network as well as how many additional units are approved as part of the Goose Creek Estates development that would be served by the same access point.

Applicant Response: *Due to additional access points to Belmont Ridge Road now being available further to the south via Corro Place, the applicant has now restricted development to 60 zoning permits until the second access point is open through the Goose Creek Estates*

A-146

property. That project is zoned for a maximum of 500 dwelling units, and it will be providing a median divided, signalized entrance at Belmont Ridge Road across from Broadlands Boulevard. Once Goose Creek Estates and Belmont Glen Village are completed there will be an interconnected road network through these two projects and Belmont Glen and Corro to the south sharing three entrances onto Belmont Ridge Road. Sheet 4 illustrates this road network. The timing of the construction of the road connection through the Goose Creek Estates property will be determined by the developer for that property; therefore, this applicant is restricted in the number of units they may construct until that road connection is provided.

LOUDOUN COUNTY HEALTH DEPARTMENT (MATTHEW D. TOLLEY, 8/28/2009)

The Health Department recommends approval of this application. The proposed development will utilize public water and sewer. There is a hand-dug well and septic tank serving the house in the southern part of the property which will have to be permitted and abandoned prior to record plat. Likewise, serving the house on the northern part of the property there are three wells and a septic tank which will require a similar treatment. The plat reviewed was prepared by Dewberry and was dated 12 June 2009.

Attachments Yes ___ No X

Applicant Response: *The private wells and septic tanks will be abandoned prior to record plat approval.*

LOUDOUN COUNTY PARKS, RECREATION AND COMMUNITY SERVICES (BRIAN FULLER, 9/22/2009)

1. On Sheet 3 of the CDP, please label Landbay "C" Open Space Dedication Line as, "Future Public Passive Park."

Applicant Response: *Sheet 3 has been revised as recommended.*

2. PRCS requests that the Applicant proffer signage within the "Future Public Passive Park in Landbay C. This may include, but not be limited to, entrance signage, interpretive signage, and trail markers. The signage should meet PRCS standards at the time of installation.

Applicant Response: *The applicant is proffering a \$1,000 contribution to the County to install directional signage for the passive park.*

3. PRCS requests a revised entrance to Landbay C, to include a trailhead with vehicular parking in the vicinity of the future Loudoun Water Pump Station.

Applicant Response: *Since this is a single family residential community, it was never intended that Belmont Glen Village would provide vehicular access for members of the public to access the Goose Creek passive linear park. Rather, vehicular traffic could park and access the linear park from the Tillett park site to the south or the commercial portion of Goose Creek Village to the north. Pedestrian access is being provided to the general public from the Belmont Ridge Road trail via the access trail provided on the existing gravel roadway along the south side of the Belmont Glen Village property to the pedestrian sidewalk network within Belmont Glen Village to the break between lots 184 and 185. The applicant will grant a public access to the County-owned parkland over the access driveway being constructed to access the stormwater management pond for maintenance.*

4. PRCS requests that the Applicant consider adjusting the location of the "SWM Pond" out of Landbay C.

Applicant Response: *The land area encompassed by the SWM pond has been excluded from the area being dedicated to the County, in response to staff's request. The applicant is maintaining the current commitment of dedicating 61.33 acres to the County for the passive linear park along Goose Creek.*

**LOUDOUN COUNTY DEPARTMENT OF GENERAL SERVICES (BOYD CHURCH,
9/21/2009)**

The Department of General Services reserves the right to comment on the above referenced project when stormwater management plans are developed usually at the Development Review stage. If you have any questions, please contact me.

Applicant Response: *Comment acknowledged.*

**LOUDOUN COUNTY OFFICE OF TRANSPORTATION SERVICES (LOU MOSURAK,
10/7/2009)**

Transportation Comments

1. Further coordination with VDOT would be appropriate concerning VDOT Secondary Street Acceptance Requirements (SSAR) given the previous approvals and proffer contributions for this site. For reference, illustrations of both the approved and proposed road network on-site are provided as *Attachments 3 and 4*, respectively. It is noted that the development provides interparcel access to adjacent developments on both the north and south via approved or existing public streets and does not propose a new entrance onto Route 659.

Applicant Response: *The applicant has met with VDOT along with OTS staff to coordinate VDOT review of this project.*

2. Further coordination with VDOT would be appropriate concerning the Chapter 527 traffic impact analysis regulations given the previous approvals and proffer contributions for this site.

A-148

Applicant Response: *The applicant has met with VDOT along with OTS staff to coordinate VDOT review of this project. A Chapter 527 study is not required, and the applicant has submitted a letter to VDOT, as requested, stating that there are no changes to the traffic analysis as a result of the proposed revisions to the site lay-out as and that traffic analysis submitted for the approved rezoning remains valid.*

3. All previous transportation proffer obligations associated with ZMAP 2004-0006 (e.g., right-of-way dedication along Route 659, Route 659 multi-use trail construction along the site frontage, development phasing, etc) should be carried forward with these applications.

Applicant Response: *These proffer obligations are carried forward in the draft proffer statement. However, the cash contributions for regional road purposes have already been fulfilled.*

Conclusion

OTS will offer a recommendation once it has received the Applicant's responses to the comments in this referral. OTS staff is available to meet with the Applicant and VDOT to discuss the transportation issues related to this proposal.

Applicant Response: *The applicant, VDOT and OTS met on October 15, 2009.*

VIRGINIA DEPARTMENT OF TRANSPORTATION (RASHID SIRAJ, 9/30/2009)

1. Since the layout of the proposed development has been considerably revised from the previously approved plat it is now subject to the latest VDOT *Secondary Street Acceptance Requirements* (SSAR). The applicant therefore should ensure conformance by providing on the plan all related design features including area types, connectivity index and computations, schematics, etc.

Applicant Response: *The revised lay-out conforms to these requirements.*

2. It appears that no phase of the previously approved plat for this development was ever constructed. The revised layout on the same site is now considered a new development generating traffic volume in excess of 100 vph on a state controlled highway, i.e. Belmont Ridge Road, Route 659. In accordance with Chapter 527 Regulation this may qualify for submitting a new traffic impact analysis to VDOT for further review and comment. Loudoun County may consider this application accordingly.

Applicant Response: *The applicant met with VDOT and OTS staff on October 15, 2009 at which time it was agreed the Chapter 527 analysis is not required. The applicant has provided a letter to VDOT, as requested, stating that the proposed revisions do not alter the prior traffic analysis conclusions and that the prior traffic analysis remains valid.*

3. The road layout proposed for the development should provide an adequate line of sight at the intersections without impacting the location of the adjacent lots. We strongly suggest verifying the sight distance at this time to avoid complications resulting from relocating these lots in future.

Applicant Response: *The applicant has determined that the proposed lay-out will comply with the sight distance requirements.*

A-149

THE GOOSE CREEK SCENIC RIVER ADVISORY COMMITTEE (HELEN CASEY, 9/11/2009)

There does not appear to be any change in the property as it affects Goose Creek and its scenic easement buffers as was first agreed upon by the property developers.

Please keep us apprised of other referrals and/or information that may affect Goose Creek scenic beauty or water quality in regard to this project. As information is developed, we reserve the right to bring any further comments to your attention.

Applicant Response: The Goose Creek scenic easement buffer remains unchanged by the proposed revisions.

The applicant has provided these responses in anticipation of being scheduled for the January Planning Commission public hearing. Please contact me if you have any questions or need additional information.

Sincerely,

WALSH, COLUCCI, LUBELEY, EMRICH & WALSH,
P.C.

Christine Gleckner, AICP
Land Use Planner

Enclosure

cc: Richard Entsminger, Bayshire, LC
James Mobley, Bayshire, LC
Rich Brittingham, Dewberry
Kevin Sitzman, Wells and Associates

A-150